## ILLINOIS POLLUTION CONTROL BOARD March 6, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 08-46
RANCHO AMIGO, LLC, an Illinois limited liability company,	) )	(Enforcement - Water)
Respondent.	)	

## ORDER OF THE BOARD (by G.T. Girard):

On February 19, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Rancho Amigo, LLC, an Illinois limited liability company (Rancho Amigo). The complaint concerns Rancho Amigo's construction of an off-road vehicle riding facility in Pleasant Valley Township, rural Jo Daviess County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint as meeting the content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Code 103.204(c), (f). The Board further directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that Rancho Amigo violated Sections 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), (f), (2006)) and Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)). The People allege that Rancho Amigo violated these provisions by threatening the discharge of a contaminant in a manner that would tend to cause water pollution; by depositing a contaminant on the land so as to create a water pollution hazard; and by threatening the discharge of a contaminant into the waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit. The Board accepts the complaint. *See* 35 Ill. Adm. Code 103.204.

On February 19, 2008, the People and Rancho Amigo also filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Rancho Amigo admits the alleged violations and agrees to pay a civil penalty of \$5,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 6, 2008, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board