

ILLINOIS POLLUTION CONTROL BOARD
July 21, 2008

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 06-116
) (Enforcement - Water)
WILLIAM WARREN and HALLECK)
WARREN d/b/a Hickory Shores Resort, and)
HICKORY SHORES RECREATIONS, LTD.,)
an Illinois corporation,)
)
Respondents.)

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

On December 27, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against William Warren and Halleck Warren, doing business as Hickory Shores Resort, and against Hickory Shores Recreations, Ltd. (respondents). The complaint concerns respondents' campground located one-quarter of a mile west and three-quarters of a mile south of the Village of Keyesport in Clinton County. The parties now seek to settle without a hearing. The Board directs the clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

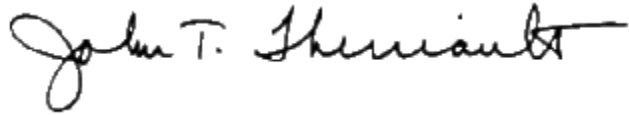
Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a), (f) (2006)) and Sections 305.102(a) and (b) of the Board's water pollution regulations (35 Ill. Adm. Code 305.102(a), (b)). The People further allege that respondents violated these provisions by (1) causing, allowing, or threatening the discharge of contaminants to waters of the State so as to cause or tend to cause water pollution or violate Board regulations or standards; and (2) failing to submit or timely submit sludge summary reports and discharge monitoring reports (DMRs).

On July 14, 2008, the People and respondents filed a stipulation and a 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, respondents do not affirmatively admit the alleged violations but agree to pay a civil penalty of \$3,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of each 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 respective 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 July 21, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board