## ILLINOIS POLLUTION CONTROL BOARD July 21, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
Complaniant,	)	
v.	)	PCB 08-98
	)	(Enforcement - Water)
FARMERS & TRADERS BANCSHARES,	)	
INC., an Illinois corporation, and PEDRIANA	)	
GUSTAFSON, INC., an Illinois corporation,	)	
D 1 .	)	
Respondents.	)	

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

On June 16, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Farmers & Traders Bancshares, Inc. and Pedriana Gustafson, Inc. (respondents). The complaint concerns respondents' construction activities on an 8.26-acre parcel of land located on the northeast corner of Illinois Route 23 and U.S. Route 30 in Waterman, DeKalb 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), (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 respondents violated these provisions by (1) causing or allowing the discharge of contaminants in such a manner as to cause or tend to cause water pollution in Somonauk Creek; (2) depositing contaminants upon the land in such place and manner so as to create a water pollution hazard; and (3) violating the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) general permit.

On July 14, 2008, the People and respondents filed a stipulation and a proposed settlement. On July 16, 2008, the People and respondents filed a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). These filings are 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 admit the alleged violations and each agrees to pay a civil penalty of \$7,500, for a total penalty of \$15,000.

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.

John Therriault, Assistant Clerk Illinois Pollution Control Board