## ILLINOIS POLLUTION CONTROL BOARD August 21, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 09-8
	)	(Enforcement – Water)
RED SEAL DEVELOPMENT	)	
CORPORATION, an Illinois corporation, and	)	
LENZINI EXCAVATING COMPANY, an	)	
Illinois corporation,	)	
	)	
Respondents.	)	

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

On July 28, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Red Seal Development Corporation (Red Seal) and Lenzini Excavating Company (Lenzini) (collectively respondents). The complaint concerns respondents' construction activities on an approximately 14.24-acre parcel of land known as "Deer Park Estates," located at the intersection of Long Grove Road and Quentin Road in Deer Park, Lake County. In a stipulation, the People and Red Seal now seek to settle without a hearing. Lenzini is not a party to the stipulation. For the reasons below, the Board directs the Clerk to provide notice of the 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), (b), (d), and (f) of the Act (415 ILCS 5/12(a), (b), (d), (f) (2006)), Sections 302.203, 309.102(a), and 309.202(a) of the Board's water pollution regulations (35 Ill. Adm. Code 302.203, 309.102(a), 309.202(a)), and specified terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) stormwater permit. The People further allege that respondents violated these provisions by (1) causing, threatening, or allowing the discharge of contaminants so as to cause or tend to cause water pollution in surrounding wetlands and an unnamed tributary of Buffalo Creek; (2) causing, threatening, or allowing the discharge of contaminants that caused unnatural color and turbidity in surrounding wetlands and an unnamed tributary of Buffalo Creek; (3) creating a water pollution hazard by depositing contaminants in such place and manner that they were likely to be carried by stormwater runoff into surrounding wetlands and an unnamed tributary of Buffalo Creek; (4) failing to implement the storm water pollution prevention plan (SWPPP) in violation of the NPDES permit; and (5) constructing a sanitary sewer without obtaining a permit from the Illinois Environmental Protection Agency.

On August 7, 2008, the People filed a stipulation and proposed settlement with Red Seal, 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 between the People and Red Seal, Red Seal neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$15,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for hearing 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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2); 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 August 21, 2008, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board