ILLINOIS POLLUTION CONTROL BOARD September 30, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	DCD 07 104
V.)	PCB 07-104 (Enforcement – Water)
WASHINGTON TRAILS EDGE, LLC,)	(Emorcement – water)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On April 19, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Washington Trails Edge, LLC (Washington Trails). The complaint concerns Washington Trails' multi-section subdivision under construction called "Trails Edge Subdivision," located west of Dallas Road in Washington, Tazewell County. Washington Trails and the People now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public 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 Washington Trails violated Sections 12(a), (d), and (f) of the Act (415 ILCS 12(a), (d), (f) (2006)): (1) by causing, threatening, or allowing the discharge of a contaminant into waters of the State in violation of its National Pollutant Discharge Elimination System (NPDES) permit; (2) by causing, allowing, or threatening to cause water pollution, and by violating the water quality standard of Section 302.203 of the Board's water pollution regulations (35 Ill. Adm. Code 302.203); and (3) by depositing a contaminant upon the land in such place and manner so as to create a water pollution hazard.

On September 18, 2008, the People and Washington Trails 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, Washington Trials does not affirmatively admit the alleged violations but agrees to pay a civil penalty in the amount of \$21,000.

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 September 30, 2008, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board