

ILLINOIS POLLUTION CONTROL BOARD
September 30, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 08-92
)	(Enforcement – Water)
ADVANTAGE NATIONAL BANCORP,)	
INC., an Illinois corporation, and VACALA)	
CONSTRUCTION, INC., an Illinois)	
corporation,)	
)	
Respondents.)	

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

On May 28, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Advantage National Bancorp, Inc. and Vacala Construction, Inc. (respondents). The complaint concerns respondents' construction activities at 165 West Lake Street in Bloomingdale, DuPage County. The People and respondents 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 respondents violated Sections 12(a), (d), and (f) of the Act (415 ILCS 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) by causing or tending to cause water pollution by causing or allowing the discharge of contaminants from construction activities into Spring 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 September 25, 2008, the People and respondents 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, each respondent admits the alleged violations and agrees to pay a civil penalty of \$10,000, for a total civil penalty of \$20,000.

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.

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