

ILLINOIS POLLUTION CONTROL BOARD  
October 16, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-192
	)	(Enforcement - Water)
LARRY BIELFELDT,	)	
	)	
Respondent.	)	

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

On June 29, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Larry Bielfeldt (respondent). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns respondent's 32.2-acre Sherwood Lake Subdivision residential home development in Section 29, Township 23 north, Range 3 east of the Third Principal meridian in McLean County. The People and respondent 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 respondent violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a), (f) (2006)) and 35 Ill. Adm. Code 302.203 and 309.102(a). The People further allege that respondent violated these provisions by (1) causing, allowing, or threatening the discharge of contaminants into waters of the State; (2) failing to maintain adequate site erosion controls to prevent stormwater discharges into a tributary of Kickapoo Creek; (3) causing or allowing the discharge of silt from the site into waters of the State; (4) causing or threatening to cause water pollution; and (5) violating a water quality standard.

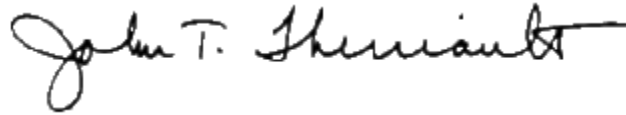
On October 6, 2008, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$12,500.

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 October 16, 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 stroke at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board