ILLINOIS POLLUTION CONTROL BOARD November 5, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 09-5
)	(Enforcement - Water)
ALDEN BENNETT CONSTRUCTION)	
COMPANY, INC., an Illinois corporation, and)	
BLOOMINGDALE HORIZON I LIMITED)	
PARTNERSHIP, a registered Illinois limited)	
partnership)	
)	
Respondents.)	

ORDER OF THE BOARD (by A.S. Moore):

On July 14, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Alden Bennett Construction Company, Inc. (Alden Bennett) and Bloomingdale Horizon I Limited Partnership (Bloomingdale Horizon I) (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns a site at 160 West Lake Street, Bloomingdale, DuPage County, which was owned by Bloomingdale Horizon I and at which Alden Bennett acted as general contractor in the construction of a senior living facility. The parties now seek to settle without a hearing. For the reasons below, 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). In this case, the People allege that respondents violated Sections 12(a), 12(d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), 12(f) (2006)), Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)), and the requirements of National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10E858. The People further allege that respondents violated these provisions by causing or allowing the discharge of contaminants in such a manner as to cause or tend to cause water pollution, depositing contaminants upon the land in such place and manner so as to create a water pollution hazard, and violating the terms of an NPDES permit.

On October 29, 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)). See 35 III. Adm. Code 103.300(a). Under the proposed

stipulation, the respondents admit the alleged violations and agree to pay a civil penalty of \$12,000.

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. 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 5, 2008, by a vote of 4-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board