ILLINOIS POLLUTION CONTROL BOARD June 4, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 09-03
PRAEDIUM DEVELOPMENT CORPORATION, an Illinois corporation, and)	(Enforcement - Water)
PLAZA EXCAVATING, INC., an Illinois corporation,)	
Respondent.	,))	

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

On July 8, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five- count complaint against Praedium Development Corporation (Praedium) and Plaza Excavating, Inc., (Plaza), two Illinois corporations (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns Praedium's ten acre parcel of land, known as the "Town Center Promenade," located at the northwest intersection of Long Grove Road and Route 12, in Deer Park, Lake County. The People allege that Respondents violated Sections 12(a), 12(b), 12(d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (b), (d), and (f) (2006)), and 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)).

The People allege that respondents violated these provisions by (1) causing, threatening or allowing water pollution by engaging in construction activities which resulted in sediment-laden storm water flowing into a tributary of Buffalo Creek and onto adjacent wetlands, (2) causing, threatening or allowing a violation of water quality standards by creating offensive conditions, (3) creating a water pollution hazard, (4) failing to implement and comply with the stormwater pollution prevention plan, in violation of Part IV of the General Stormwater Permit, and (5) causing or allowing the construction and/or installation of a sanitary sewer without a permit.

On May 21, 2009, 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 neither admit nor deny the alleged violations but agree to pay a civil penalty of \$40,000.

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 June 4, 2009, by a vote of 5-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board