

ILLINOIS POLLUTION CONTROL BOARD  
July 23, 2009

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 08-83
	)	(Enforcement - Water)
RUPE CONTRACTING, INC., an Illinois	)	
corporation, and JOHN A. RUPE, individually	)	
and as owner and operator of Rupe	)	
Contracting, Inc.,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by S.D. Lin):

On May 1, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Rupe Contracting, Inc., an Illinois corporation, and John A. Rupe, individually and as owner and operator of Rupe Contracting, Inc. (respondents). The complaint concerns respondents' breach of a sanitary sewer line during grading and filling of a low spot on property located in Spring Valley, Bureau County. 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 (2008))<sup>1</sup>, 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 12(a) and 12(d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and 12(d) (2008)) and Section 306.304 of the Board's water pollution regulations (35 Ill. Adm. Code 306.304) by causing or tending to cause water pollution and creating a water pollution hazard.

On June 30, 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, respondents neither

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<sup>1</sup> All citations to the Act will be to the 2008 Illinois Compiled Statutes, unless the section at issue has been substantively amended in the 2008 edition.

admit nor deny the alleged violations and agree to jointly and severally pay a civil penalty of \$2,835.

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) (2008); 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 July 23, 2009, by a vote of 5-0.

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.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board