## ILLINOIS POLLUTION CONTROL BOARD August 6, 2009

| PEOPLE OF THE STATE OF ILLINOIS,    | ) |               |
|-------------------------------------|---|---------------|
| Complainant,                        | ) |               |
| v.                                  | ) | PCB No. 06-77 |
| DENNIS K. STIEGEMEIER, d/b/a I.L.C. | ) | (Enforcement) |
| DEVELOPMENT,                        | ) |               |
| Respondent.                         |   |               |

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

On November 15, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Dennis K. Stiegemeier, d/b/a I.L.C. Development (Steigemeier). The complaint concerns Stiegemeier's construction site in the Timberview Subdivision southwest of Staunton in Macoupin County, Illinois. 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 in Count I that Stiegemeier conducted ongoing construction activities, including clearing, grading, and excavating, without taking adequate measures to minimize the transport of sediment into stormwater runoff. The people specifically allege that Stiegemeier violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2008), by causing or allowing the discharge of silt and other contaminants from the construction site into waters of the State so as to cause or tend to cause water pollution.

The people allege in Count II that Stiegemeier violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2008), and Section 39.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a) (2008) by discharging contaminants into waters of the State without complying with the NPDES permit.

On July 21, 2009, the People and Stiegemeier 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

<sup>&</sup>lt;sup>1</sup> All citations to the Act will be to the 2008 compiled statutes, unless the provision at issue has been substantively amended in the 2008 compiled statutes.

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, Stiegemeier admits the alleged violations and agrees to pay a civil penalty of \$2,500.

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) (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 August 6, 2009, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board

John T. Therrank