ILLINOIS POLLUTION CONTROL BOARD September 17, 2009

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

On March 30, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Par Development, Inc. (Par Development). The complaint concerns Par Development's retail business development project called "Lake Pointe," located at the northeast corner of Algonquin Road and Lakewood Road in Lake in the Hills, McHenry 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)), ¹ 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 Par Development violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2008)), Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)), and conditions of the National Pollutant Discharge Elimination System (NPDES) general stormwater permit. The People further allege that Par Development violated these provisions by allowing contaminants to enter the waters of the State after failing to install adequate erosion and stormwater run-off control measures at the development site; by depositing piles of debris and concrete at the site in such a place and manner as to create a water pollution hazard; by discharging soil and sediment-laden runoff from the site; by failing to post at the site notification of coverage under the NPDES permit; and by failing to maintain at the site a copy of the Stormwater Pollution Prevention Plan (SWPPP).

On September 14, 2009, the People and Par Development 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

¹ 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.

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, Par Development neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$20,000.

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. 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 September 17, 2009, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board