ILLINOIS POLLUTION CONTROL BOARD March 4, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
1 /)	
v.)	PCB 09-75
)	(Enforcement - Water)
ANDALUSIA VENTURES, LLC,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. K. Zalewski):

On April 7, 2009, under the Environmental Protection Act (Act) (415 ILCS 5 (2008¹)), the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Andalusia Ventures, LLC (Andalusia). *See* 415 ILCS 5/31(c)(1) (2008); 35 Ill. Adm. Code 103.204. The complaint concerns Andalusia's residential housing development, known as Fancy Creek Crossing (Fancy Creek), located at 101st Street West and Andalusia Road (Route 92), Andalusia, Rock 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 Act, 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 Andalusia violated Sections 12(a) and 12(f) of the Act, (415 ILCS 5/12(a), (f) (2008)), and Sections 302.203 and 309.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 302.203, and 309.102(a)). The People further allege that, beginning in 2006 through at least July 2009, Andalusia violated these provisions by discharging sediment of other than natural origin into a receiving stream, thereby causing or threatening to cause water pollution; and, by failing to submit accurate incidents of noncompliance letters and reports, and failing to have on site storm water pollution prevention plan and rainfall reports.

On February 18, 2010, the People and Andalusia 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 because the provisions at issue have not 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, Andalusia admits to the alleged violations, and agrees to pay a civil penalty of \$8,000.

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 March 4, 2010, by a vote of 5-0.

ohn T. Thereian

John Therriault, Assistant Clerk Illinois Pollution Control Board