

ILLINOIS POLLUTION CONTROL BOARD
June 17, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-105
)	(Enforcement - Water)
KEVIN FAIRFIELD, an individual, and SUE)	
FAIRFIELD, an individual,)	
)	
Respondents.)	

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

On June 14, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Kevin Fairfield and Sue Fairfield (the Fairfields). The complaint concerns the Fairfields' residential property located at 1990 Lake Jacksonville Road in Jacksonville, Morgan County. Accompanying the complaint was a stipulation, proposed settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint as meeting the applicable content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Code 103.204(c). The Board further 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)), 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, count I of the People's complaint alleges that the Fairfields violated Section 12(a) of the Act (415 ILCS 5/12(a) (2008)) by causing, allowing, or threatening to cause water pollution and by violating a Board water quality standard. In count I, the People also allege that the Fairfields violated Section 12(d) of the Act (415 ILCS 5/12(d) (2008)) by depositing a contaminant upon the land in such a place and manner as to create a water pollution hazard. The People further allege in count I that the Fairfields violated the water quality standard of Section 302.203 of the Board's water pollution regulations (35 Ill. Adm. Code 302.203) by causing, allowing, or threatening to allow offensive conditions in an unnamed tributary of Sandy Creek. In count II of the complaint, the People allege that the Fairfields violated Section 12(f) of the Act (415 ILCS 5/12(f) (2008)) and Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)) by causing, threatening, or allowing the discharge of a contaminant into a water of the State without a National Pollutant Discharge Elimination System (NPDES) permit. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

As noted above, on June 14, 2010, the People and the Fairfields also 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, the Fairfields admit the alleged violations and agree to pay a civil penalty of \$5,500.

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 June 17, 2010, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board