

ILLINOIS POLLUTION CONTROL BOARD
July 15, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 09-91
)	(Enforcement - Water)
KEN RAWSON,)	
)	
Respondent.)	

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

On April 17, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Ken Rawson. The complaint concerns a sanitary sewer and potable water lines to service future residential subdivisions in the City of Crystal Lake, 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)), 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 Mr. Rawson violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2008)) and Section 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 309.102(a)). The People further allege that Mr. Rawson violated these provisions by causing, threatening, or allowing the discharge of a contaminant into the environment so as to cause or tend to cause water pollution; by depositing contaminants onto the land so as to create a water pollution hazard; and by allowing storm water discharges in violation the general National Pollutant Discharge Elimination System (NPDES) storm water permit for construction site activities.

On June 30, 2010, the People and Mr. Rawson 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, Mr. Rawson does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$12,000.

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 July 15, 2010, 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 stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board