## ILLINOIS POLLUTION CONTROL BOARD February 3, 2011

Water)

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 09-24
	)	(Enforcement -
VILLENEAUVE DEVELOPMENT	)	
COMPANY, an Illinois partnership,	)	
	)	
Respondent.	)	

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

On October 17, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Dennis LaHood, doing business as Villeneauve Subdivision, an Illinois limited liability corporation (LaHood). The complaint concerns a subdivision development located southeast of the intersection of Route 116 and 24 in East Peoria, Tazewell County. Today's order grants the parties' motion to correct a misnomer and directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for hearing relief.

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 complaint alleges that LaHood violated Section 12(a) of the Act (415 ILCS 5/12(a) (2008)) and Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)) by causing water pollution through the discharge of sediment into an unnamed stream, ravines, and stormwater inlets. The complaint also alleges that Villeneauve Subdivision violated Section 12(f) of the Act (415 ILCS 5/12(f) (2008)) by failing to implement adequate erosion controls in violation of the terms of its general National Pollutant Discharge Elimination System (NPDES) stormwater permit.

On January 31, 2011, to correct the misnomer of respondent, the parties filed an agreed motion to substitute Villeneauve Development Company, an Illinois partnership (Villeneauve Development), for LaHood. The Board grants the agreed motion, as reflected in the caption of this order. *See* 35 Ill. Adm. Code 103.202(c).

Also on January 31, 2011, the People and Villeneauve 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 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, Villeneauve Development neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$15,000.

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 February 3, 2011, by a vote of 5-0.

In T. Therian

John Therriault, Assistant Clerk Illinois Pollution Control Board