

ILLINOIS POLLUTION CONTROL BOARD

May 5, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 07-139
)	(Enforcement - Public Water Supply)
JR INVESTMENT GROUP, LLC, an Illinois)	
limited liability company,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On June 12, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Jalil "Jerry" Rizqallah, d/b/a Timberline Mobile Home Park (Rizqallah). The complaint concerns a public water supply for a mobile home park located in the Village of Goodfield, Woodford County. On April 26, 2011, seeking to rename the respondent, the People filed a motion for leave to file a first amended complaint, attaching the amended complaint. Along with this filing was a stipulation and proposal for settlement of the first amended complaint, accompanied by a motion for relief from the hearing requirement. The People and the allegedly proper respondent, JR Investment Group, LLC (JR Investment), therefore seek to settle the first amended complaint without a hearing.

For the reasons below, the Board grants the People's motion for leave to file the first amended complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief. In this order, the Board first describes the procedural history of the case. The Board then rules upon the motion for leave to file, after which the Board addresses public notice.

PROCEDURAL HISTORY

In the original complaint, filed on June 12, 2007, the People alleged that Rizqallah knowingly allowed the distribution of water with arsenic levels exceeding the standard in the Board's public water supply regulations (35 Ill. Adm. Code 611.301(b)), in violation of Section 611.121(a) of those regulations (35 Ill. Adm. Code 611.121(a)) and Section 18 of the Environmental Protection Act (Act) (415 ILCS 5/18 (2008)).

In an order of June 21, 2007, the Board found that the People's complaint met the content requirements of the Board's procedural rules and accepted the complaint for hearing. Since then, the hearing officer and the parties have had numerous telephonic status conferences, and the parties have pursued settlement. The case has not been to hearing.

As noted, on April 26, 2011, the People filed (1) a motion for leave to file a first amended complaint to rename the respondent, accompanied by the amended complaint; (2) a stipulation

and proposal to settle the first amended complaint; and (3) a motion for relief from the hearing requirement.

MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT

The People move for leave to file *instanter* a first amended complaint, renaming the respondent, Rizqallah, and substituting JR Investment. In the motion, the People represent that the parties conferred and agreed that the respondent in this case should be JR Investment. The Board grants the motion for leave and accepts the first amended complaint attached to the motion. The caption of this order reflects the correction of the misnomer.

PUBLIC NOTICE

The People filed a stipulation and proposed settlement of the first amended complaint, 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, JR Investment admits to the violations alleged in the first amended complaint and agrees to pay a civil penalty of \$12,000. The stipulation further provides that JR Investment has installed a water main extending from the Village of Goodfield's municipal water system to the mobile home park, that the Village now provides water to the mobile home park, and that the public water supply which is the subject of the first amended complaint is no longer operational. Stipulation at 4.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement of the first amended complaint, 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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 5, 2011, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board