

ILLINOIS POLLUTION CONTROL BOARD
July 7, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-108
)	(Enforcement - Water)
WILLIAM CHARLES REAL ESTATE)	
INVESTMENT, L.L.C., an Illinois limited)	
liability company,)	
)	
Respondent.)	

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

On June 24, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against William Charles Real Estate Investment, L.L.C. (respondent). The complaint concerns respondent's proposed 65-acre subdivision development located at the northwest corner of Rotary Road and Ryberg Road in New Milford, Winnebago County (Site). 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 (2010)¹), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2010)) by causing, threatening and allowing the discharge of eroded soil and sediment runoff off-Site so as to cause water pollution; by depositing contaminants on land so as to cause water pollution hazard; and by failing to adequately implement the Storm Water Pollution Prevention Plan (SWPPP) for the Site and causing, threatening or allowing the discharge of contaminants into the waters of the State so as to violate respondent's National Pollutant Discharge Elimination System (NPDES) permit.

On June 15, 2011, the People and respondent 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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 respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$10,000.

¹ All citations to the Act will be to the 2010 compiled statutes, unless the provision at issue has been substantively amended in the 2010 compiled statutes.

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) (2010); 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 7, 2011 by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board