## ILLINOIS POLLUTION CONTROL BOARD November 3, 2011

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 11-27
	)	(Enforcement – Water)
SUD FAMILY LIMITED PARTNERSHIP,	)	
a Wisconsin limited partnership,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by T.A. Holbrook):

On December 9, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Sud Family Limited Partnership (Sud Partnership). The complaint concerns Sud Partnership's business park development consisting of an automobile dealership and another subdivided parcel (site) located at the intersection of North Allen Road and Illinois Route 6 in Peoria 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 5/1 et seq. (2010)), 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 Sud Partnership violated Section 12(a) of the Act, (415 ILCS 5/12(a) (2010)), by causing, allowing, or threatening to cause water pollution by failing to provide adequate soil erosion and sediment control at the site. The People further allege that Sud Partnership violated Section 12(f) of the Act, (4151LCS 5/12(f) (2010)) and National Pollutant Discharge Elimination System (NPDES) permit ILR10E923 by failing to provide adequate soil erosion and sediment control, failing to have an adequate Storm Water Pollution Prevention Plan (SWPPP), failing to complete weekly and rainfall inspections at the required frequencies, and failing to submit Incidence of Non-Compliance (ION) reports.

On October 19, 2011, the People and Sud Partnership 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, Sud Partnership neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$9,000.00.

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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 3, 2011, by a vote of 5-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board