ILLINOIS POLLUTION CONTROL BOARD December 1, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 09-131
MOHAMMAD AKRABAWI, d/b/a)	(Enforcement – Water)
DEERFIELD CROSSINGS, LLC,)	
Respondent.)	

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

On June 29, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Mohammad Akrabawi, d/b/a Deerfield Crossing, LLC (Akrabawi). The complaint concerns Akrabawi's 147-acre Deerfield Crossings housing subdivision (site) located at the southeast quadrant of the intersection of Illinois Route 23 and U.S. Route 30 on the east side of the Village of Waterman in DeKalb 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 (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 Akrabawi caused water pollution and created a water pollution hazard by maintaining substandard runoff containment systems at the site in violation of Section 12(a) and 12(d) of the Act (415 ILCS 5/12(a) and 5/12(d) (2010)). The People also allege that Akrabawi failed to comply with the requirements of his NPDES permit, failed to post notification of coverage, and failed to have a storm water pollution prevention plan available at the site. These activities were in violation of Part IV.D.2 (a), Part II.D.2, and Part IV.B.1 of NPDES Permit No. ILR10F194, 35 Ill. Adm. Code 309.102(a), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

On November 21, 2011, the People and Akrabawi 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, Akrabawi does not affirmatively admit the alleged violations, but agrees to pay a civil penalty of \$5,000.00.

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 Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 1, 2011, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board