## ILLINOIS POLLUTION CONTROL BOARD October 4, 2012

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 13-6
	)	(Enforcement - Water)
THUMSER ENTERTAINMENT, INC., an	)	
Illinois corporation,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by D. Glosser):

On July 31, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Thumser Entertainment, Inc. (respondent). The complaint concerns respondent's property at 1625 Illinois Route 35 North, East Dubuque, Jo Daviess 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 respondent violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), (d), (f) (2010)) and Section 309.102(a) of the Board's water regulations (35 Ill. Adm. Code 309.102(a)). According to the Complaint, respondent violated these provisions by: (1) allowing construction materials at the Site to remain unprotected from erosion into an unnamed waterway and detention basin, thereby causing, threatening, or allowing water pollution (count I); (2) allowing construction materials at the Site to remain unprotected from erosion into an unnamed waterway and detention basin, thereby creating a water pollution hazard (count II); and (3) failing to obtain coverage under a National Pollutant Discharge Elimination System permit and implement a Storm Water Pollution Prevention Plan, the respondent caused, threatened, or allowed the discharge of contaminants into the waters of the State (count III).

On September 20, 2012, 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 admits the alleged violations and agrees to pay a civil penalty of \$3,033.

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 October 4, 2012 by a vote of 4-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board