ILLINOIS POLLUTION CONTROL BOARD June 6, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	P
)	(E
S.A. LEWIS CONSTRUCTION, INC., an)	
Illinois corporation,)	
)	
Respondent.)	

PCB 12-92 (Enforcement - Water)

ORDER OF THE BOARD (by J.A. Burke):

On December 1, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against S.A. Lewis Construction, Inc. (S.A. Lewis). The complaint concerns construction activities on S.A. Lewis's Summerfield Estates residential subdivision (the site) located at the intersection of Long Creek Road and Camp Warren Lane in Long Creek, Macon 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:

Count I:	S.A. Lewis violated Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) by failing to implement adequate erosion controls at the site, and Section 302.203 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 302.203) by causing offensive conditions in waterways adjacent to the site,
Count II:	S.A. Lewis violated Section 12(f) of the Act (415 ILCS 5/12(f) (2010)) and Section 309.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 309.102(a)) by causing the discharge of a contaminant into waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit,
Count III:	S.A. Lewis violated Section 12(f) of the Act (415 ILCS 5/12(f) (2010)) by failing to post the notification of coverage, the General NPDES Permit, the Storm Water Pollution Prevention Plan (SWPPP), and all inspection reports at the site.

On May 23, 2013, the People and S.A. Lewis 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, S.A. Lewis neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,500.

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 June 6, 2013 by a vote of 5-0.

In T. Thereian

John T. Therriault, Assistant Clerk Illinois Pollution Control Board