## ILLINOIS POLLUTION CONTROL BOARD May 21, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 15-80 (Enforcement - Water)
SSW DEVELOPMENT, L.L.C, a dissolved	)	(Emorcement - water)
Illinois limited liability corporation, AND	)	
JOHN KAUP, an individual	)	
Respondents.	)	

## ORDER OF THE BOARD (by J.D. O'Leary):

On October 24, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against SSW Development, L.L.C., and John Kaup (collectively, respondents). The complaint concerns respondents' construction of a residential subdivision located on Delaney Road one quarter mile west of Cedar Road in New Lenox, Will 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), (f) (2012)) and Section 309.102(a) of the Board water pollution regulations (35 Ill. Adm. Code 309.102(a)). The complaint alleges that respondents violated these provisions by failing to use erosion control measures at their construction site and by failing to maintain storm sewers at the site.

On May 18, 2015, the People and respondents 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose to settle an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondents do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$11,000.

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) (2012); 35 III. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 21, 2015 by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board