## ILLINOIS POLLUTION CONTROL BOARD August 6, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	)
	)
v.	) PCB 15-200
	) (Enforcement - Water
EQUITY LIFESTYLE PROPERTIES, INC., a	a )
Maryland Corporation d/b/a WILLOW LAKE	, )
ESTATES,	)
	)
Respondent.	)

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

On May 19, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Equity Lifestyle Properties, Inc. doing business as Willow Lake Estates (respondent). The complaint concerns respondent's mobile home retirement community located at 161 West River Road, Elgin, Kane 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 (2014)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 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), 12(d), 12(f) (2014)) and sections 306.102(b), 306.304, and 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 306.102(b), 306.304, 309.102(a)). The People further allege that respondent violated these provisions by: 1) causing, threatening, or allowing water pollution; 2) creating a water pollution hazard; 3) causing, threatening, or allowing the discharge of contaminants into waters of the State from a point source without a National Pollutant Discharge Elimination System permit; 4) failing to prevent sanitary sewer overflows; and 5) failing to take all reasonable measures to prevent discharge of sewage causing water pollution.

On July 27, 2015, 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000.

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) (2014); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 6, 2015, by a vote of 5-0.

In T. Therian

John T. Therriault, Clerk Illinois Pollution Control Board