

ILLINOIS POLLUTION CONTROL BOARD

May 15, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-174
)	(Enforcement - Water)
BOB D. STAGNER and LINDA S.)	
STAGNER, d/b/a LB'S CAMPING &)	
MOBILE HOME PARK,)	
)	
Respondents.)	

ORDER OF THE BOARD (by T.E. Johnson):

On May 17, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Bob D. Stagner and Linda S. Stagner, doing business as LB's Camping & Mobile Home Park (Stagners). The complaint concerns the Stagners' facility known as "LB's Camping & Mobile Home Park," located at 5272 Peach Orchard Road in Sessor, Franklin 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.

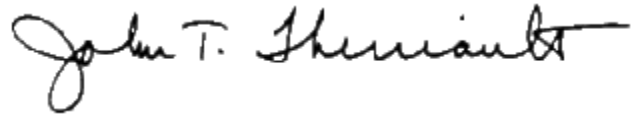
Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, count I of the complaint alleges that by causing, threatening, or allowing the discharge of contaminants to the waters of the State so as to cause or tend to cause water pollution, in connection with the wastewater treatment plant and septic tank effluent, the Stagners violated Section 12(a) of the Act (415 ILCS 5/12(a) (2006)) and 35 Ill. Adm. Code 302.203, 304.106, 304.120(c), and 306.304. Count II alleges that by causing, threatening, or allowing the discharge of contaminants into the waters of the State in violation of a National Pollutant Discharge Elimination System (NPDES) permit, the Stagners violated Section 12(f) of the Act (415 ILCS 5/12(f) (2006)) and 35 Ill. Adm. Code 304.141(a), 305.102, and 380.202(a).

On May 9, 2008, the People and the Stagners 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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 Stagners admit the alleged violations and agree to pay a civil penalty of \$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) (2006); 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 May 15, 2008, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board