

ILLINOIS POLLUTION CONTROL BOARD
June 5, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 07-32
)	(Enforcement - Water)
LAKE ARLANN DRAINAGE DISTRICT,)	
an Illinois drainage district, COCHRAN &)	
WILKEN, INC., an Illinois corporation, and)	
SOUTHWIND CONSTRUCTION CORP.,)	
an Indiana corporation,)	
)	
Respondents.)	

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

On November 1, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Lake Arlann Drainage District (District), Cochran & Wilken, Inc. (CWI), and Southwind Construction Corp. (Southwind) (collectively respondents). The complaint concerns alleged violations resulting from a dredging operation to remove approximately 330,000 cubic yards of accumulated sedimentation and siltation from Lake Arlann, Pekin, Tazewell County. In two separate stipulations, the District and CWI now seek to settle with the People without a hearing. Southwind is not a party to either stipulation. For the reasons below, the Board directs the Clerk to provide public notice of the two stipulations, proposed settlements, and requests 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, the People allege that respondents violated Sections 12(a), 12(f), and 21(a) of the Act (415 ILCS 5/12(a), 12(f), 21(a) (2006)) and Sections 302.203, 304.124(a), 305.102(b), 309.102(a), and 309.146(a) of the Boards water pollution regulations (35 Ill. Adm. Code 302.203, 304.124(a), 305.102(b), 309.102(a), 309.146(a)). The People further allege that respondents violated these provisions by (1) causing, allowing, or threatening the discharge of suspended solids, silt, sediment, and other contaminants to waters of the State so as to cause or tend to cause water pollution; (2) causing or allowing discharges of total suspended solids in excess of permitted and generally applicable effluent limits; (3) failing to monitor effluent and timely submit effluent sampling reports as required by the Districts' National Pollutant Discharge Elimination System (NPDES) permit; and (4) failing to maintain a storm water pollution prevention plan, implement the required storm water erosion controls and interim stabilization controls, and conduct the necessary inspections of storm water controls.

On May 16, 2008, the People filed two stipulations and proposed settlements, one with the District and one with CWI, each 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)). These filings are 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 between the People and the District, the District does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$15,000. Under the proposed stipulation between the People and CWI, CWI does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$20,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of each 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 respective 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 June 5, 2008 by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board