

ILLINOIS POLLUTION CONTROL BOARD

January 23, 2003

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 01-150
	)	(Enforcement - Water)
MARC DEVELOPMENT CORPORATION,	)	
an Illinois corporation, and SILVER GLEN	)	
ESTATES HOMEOWNERS'	)	
ASSOCIATION, a not-for-profit corporation,	)	
	)	
Respondents.	)	

OPINION AND ORDER OF THE BOARD (by M.E. Tristano):

On May 4, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Marc Development Corporation, and Silver Glen Estates Homeowners' Association (respondents). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The People allege that respondents violated the operation and construction permits and water provisions under Section 12(a), 12(b), and 12(f) of the Environmental Protection Act (Act), and Section 306.102(a) of the Board's regulations. The People further allege that respondents violated these provisions by failing to properly use and maintain a surface spray irrigation wastewater disposal system facility. The complaint concerns respondents' wastewater disposal system facility located off Whispering Trails Road in Elgin Township, Kane County.

On December 11, 2002, the People and the Silver Glen Estates Homeowners' Association 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Courier News* on December 21, 2002. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Silver Glen Estates Homeowners' Association operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and the Silver Glen Estates Homeowners' Association have satisfied Section 103.302. Silver Glen Estates Homeowners' Association admits the alleged violation(s) and agrees to pay a civil penalty of \$2,000. The Board accepts the stipulation and proposed settlement. This

stipulation and proposed settlement does not resolve the complaint against Marc Development Corporation.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

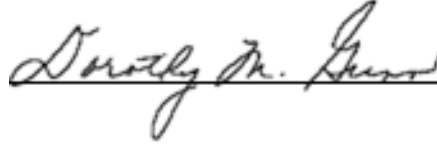
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Silver Glen Estates Homeowners' Association must pay a civil penalty of \$2,000 no later than February 24, 2003, which is the 30th day after the date of this order. Silver Glen Estates Homeowners' Association must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Silver Glen Estates Homeowners' Association social security number or federal employer identification number must be included on the certified check or money order.
3. Silver Glen Estates Homeowners' Association must send the certified check or money order to:
 

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. Silver Glen Estates Homeowners' Association must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 23, 2003, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board