ILLINOIS POLLUTION CONTROL BOARD
April 7, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB 05-123
v.	)	(Enforcement - Water)
	)	
CUNAT, INC., an Illinois corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.P. Novak):

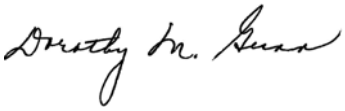
On January 12, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Cunat, Inc. (Cunat). The People allege that Cunat violated Section 12(b) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) (2002)); 35 Ill. Adm. Code 309.202(a); and Special Condition 4 of construction permit no. 2002-HB-5194 by violation of a sewer construction permit. The complaint concerns Cunat's residential condominium development at the west side of Route 12, in the Village of Richmond, McHenry County.

On March 15, 2005, the People and Cunat 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). Under the proposed stipulation, the Cunat neither admits nor denies the alleged violations but agrees to pay a civil penalty of $3,500.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 7, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board