

ILLINOIS POLLUTION CONTROL BOARD
May 5, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-89
)	(Enforcement - Water)
REDFEARN EARTHMOVING, INC., an)	
Illinois corporation,)	
)	
Respondent.)	

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

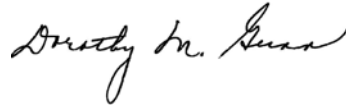
On November 9, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Redfearn Earthmoving, Inc. (Redfearn Earthmoving). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Redfearn Earthmoving violated Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (2002)) and 35 Ill. Adm. Code 309.102(a). The People further allege that Redfearn Earthmoving violated these provisions by (1) failing to institute erosion controls on a construction site; and (2) failing to obtain coverage under the general National Pollutant Discharge Elimination System permit for stormwater discharges from construction sites. The complaint concerns Redfearn Earthmoving's expansion of its parking lot and construction of storage areas at its office building at 1480 Route 20 West, Elizabeth, Jo Daviess County.

On April 21, 2005, the People and Redfearn Earthmoving 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 Redfearn Earthmoving admits the alleged violations and agrees to pay a civil penalty of \$2,000.

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. 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 May 5, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board