

ILLINOIS POLLUTION CONTROL BOARD
December 1, 2005

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 05-214
) (Enforcement - Water)
BARRY HAYDEN d/b/a HAYDEN)
PROPERTIES,)
)
Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

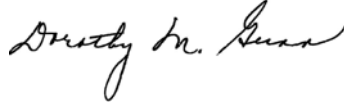
On June 14, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Barry Hayden. *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Barry Hayden violated Section 12(a) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (f) (2004)). The People further allege that Barry Hayden violated these provisions by (1) causing, threatening, or allowing water pollution; and (2) discharging pollutants into the waters of the State without a National Pollutant Discharge Elimination System permit. The complaint concerns Barry Hayden's Cedar Creek residential subdivision development at State route 158 and Biehl Road, St. Clair County.

On November 21, 2005, the People and Barry Hayden 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Barry Hayden admits the alleged violations and agrees to pay a civil penalty of \$3,500. The proposed stipulation also contains a detailed compliance program and for stipulated additional penalties if the various stated compliance dates are missed.

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) (2004); 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 December 1, 2005, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board