ILLINOIS POLLUTION CONTROL BOARD March 17, 2005

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ORDER OF THE BOARD (by N.J. Melas):

On September 27, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Youssi Real Estate and Development, Inc. (Youssi). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Youssi violated Section 12(f) of the Environmental Protection Act (Act) and Section 309.103 of the Board's regulations. 415 ILCS 5/12(f); 35 Ill. Adm. Code 309.103. The People further allege that Youssi violated these provisions by failing to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit for Phase II construction activities. The complaint concerns development and construction activities at Youssi's 72.2 acre parcel of land called Prairie Meadow subdivision. The development is located at the corner of Dawson Lake Road and Caledonia Road in the Village of Timberlane, Boone County.

On March 10, 2005, the People and Youssi 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 III. Adm. Code 103.300(a). Under the proposed stipulation, the Youssi admits the alleged violations and agrees to pay a civil penalty of \$5,000.

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) (2002); 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 March 17, 2005, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board