

ILLINOIS POLLUTION CONTROL BOARD

April 16, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 08-45
)	(Enforcement-Water)
DISTINCTIVE HOMES, LTD., and)	
DISTINCTIVE COMPANIES, LTD.,)	
)	
Respondents.)	

ORDER OF THE BOARD (by S.D. Lin):

On February 13, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Distinctive Homes, LLC, and Distinctive Companies, LLC (respondents) concerning the companies' residential development, known as Villas of Fountain Hills located at Wolf Road, one block south of 179th Street, in the Village of Orland Park, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation and proposal for settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 12(b) and 12(f) (415 ILCS 5/12(b) and (f) (2006)) of the Act, and Sections 309.102(a) and 309.202(a) of the Board's water pollution rules (35 Ill. Adm. Code 309.102(a), 309.202(a)). The People allege that respondents violated these provisions by constructing, installing, and operating a sanitary sewer at the site without a construction permit from the Illinois Environmental Protection Agency, and by failing to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit for construction site activities.

On April 3, 2009, the People and respondents filed a stipulation and proposal for 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondents do not affirmatively admit the alleged violations, but agree to pay a civil penalty of \$10,000.00.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation and proposal for 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. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 16, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board