

ILLINOIS POLLUTION CONTROL BOARD
April 16, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 09-20
)	(Enforcement - Water)
LEWIS DEVELOPMENT, LLC,)	
an Illinois limited liability corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.L. Blankenship):

On September 30, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Lewis Development, LLC (Lewis). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns Lewis’ residential housing development, located at the end of Ancient Oaks Drive on the northwest side of Peoria. 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, proposal for settlement, and request for relief from the hearing requirement.

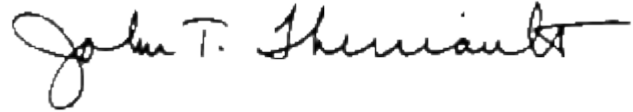
Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State’s Attorneys may bring actions before the Board on behalf of the People to enforce Illinois’ environmental requirements. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that Lewis violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a) and (f) (2006)), and Section 309.102(a) of the Board’s Water Pollution Regulations. 35 Ill. Adm. Code 309.102(a). The People allege that Lewis violated these provisions by failing to maintain adequate erosion control measures at the site and by causing the discharge of contaminants into waters of the state without a National Pollution Discharge Elimination System permit.

On April 13, 2009, the People and Lewis 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)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Lewis neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$7,500.00.

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. 415 ILCS 5/31(c)(2) (2006); 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, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and 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 stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board