

ILLINOIS POLLUTION CONTROL BOARD
July 1, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-18
)	(Enforcement - Water)
SCHAUBLE DEVELOPMENT, LLC, an)	
Illinois limited liability company,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On August 28, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against respondent Schauble Development, LLC (Schauble). The complaint concerns Schauble's 20-acre residential property located north of Sheridan Road and southwest of the unincorporated community of Groveland in Tazewell County. The property is commonly known as Stonegate subdivision or The Reserves at Stonegate. 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, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2008)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case the People allege that Schauble violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a), (f) (2008)), and 35 Ill. Adm. Code 302.203 and 309.102 by causing or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution and by violating the terms of its National Pollutant Discharge Elimination System permit.

On June 17, 2010, the People and Schauble filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act. 415 ILCS 5/31(c)(1) (2008). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Schauble admits the alleged violations and agrees to pay a civil penalty of \$2,752.00.

Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and notice of the request for relief from the hearing requirement. 415 ILCS 5/31(c)(1) (2008). Any person may file a written demand for hearing within 21 days of the published 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 opinion and order on July 1, 2010, 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