

## **Illinois Pollution Control Board Orders Residential Developer to Pay \$45,000 Penalty for Clean Water Act Violations**

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(Originally published at: <http://illinoisenvironmentallaw.blogspot.com/2010/11/illinois-pollution-control-board-orders.html>)

The Illinois Pollution Control Board recently granted the State's uncontested motion for summary judgment in *People v. Moline Place Development, LLC, Case No. PCB 07-53*, which concerned a residential housing area called One Moline Place, located at 6th Street and 11th Avenue in Moline, Rock Island County, Illinois.

The State alleged that the defendant, which was developing a residential community, terminated coverage of a Clean Water Act permit for its stormwater discharges associated with construction site activities. However, the defendant terminated coverage too early--before all disturbed soils had been finally stabilized, and before all stormwater discharges had been eliminated.

The State alleged that the defendant caused, allowed or threatened to cause water pollution by failing to provide adequate storm water pollution controls; failed to obtain coverage under the general National Pollutant Discharge Elimination System ("NPDES") storm water permit prior to commencing construction site activities; failed to prepare and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP"); and submitted a Notice of Termination of permit coverage prior to final stabilization being achieved at the site.

After granting summary judgment, the Pollution Control Board held that the defendant must pay a \$45,000 civil penalty. The Board also ordered that the defendant "must properly implement the SWPPP in its NPDES permit, and comply with all other requirements of that permit. When final site stabilization has been accomplished and all storm water discharges from construction activities have been eliminated, [defendant] must promptly submit a Notice of Termination to IEPA." The Board also ordered that the defendant "must cease and desist from further violations of the [Illinois Environmental Protection] Act and the Board's regulations."

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