

Builder Settles State Enforcement Action Alleging Water Pollution Violations

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(Originally published on the Illinois Environmental Law Blog at:
<http://illinoisenvironmentallaw.blogspot.com/2009/12/builder-settles-state-enforcement.html>)

On December 3, 2009, the Illinois Pollution Control Board accepted the proposed settlement in the case of *People v. Montalbano Builders, Inc., PCB No. 09-30*. The allegations concerned Montalbano's development property known as the Huntington Ridge subdivision located on the southwest corner of Harvard Hills and Crowley Road in Harvard, McHenry County.

The State alleged that Montalbano violated environmental law "by (1) causing, threatening, or allowing the discharge of silt-laden runoff from the site into the waters of the State resulting in water pollution, (2) allowing disturbed soils and soil stockpiles with inadequate erosion controls to remain adjacent to wetland areas resulting in a water pollution hazard, and (3) failing to maintain adequate stormwater pollution prevention measures and discharging silt-laden runoff from the site into the adjacent wetland and waters of the State in violation of Montalbano's National Pollutant Discharge Elimination System (NPDES) permit."

Under the settlement, Montalbano agrees to pay a civil penalty of \$10,000.00 but does not affirmatively admit the violations alleged by the State.

Stay tuned to the Illinois Environmental Law Blog for more news and developments.