

ILLINOIS POLLUTION CONTROL BOARD
January 18, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 01-40
) (Enforcement – Public Water Supply)
CITY OF PARIS, an Illinois municipal)
corporation, and FRANCIS ASSOCIATES,)
an Illinois corporation,)
)
Respondents.)

OPINION AND ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On December 5, 2000, the complainant filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement in this matter. The complaint alleged that the City of Paris and Francis Associates (respondents) violated Sections 15(a) and 18(a) of the Environmental Protection Act (Act) (415 ILCS 5/15(a) and 18(a) (1998)), and Section 602.101(a) of the Board's regulations (35 Ill. Adm. Code 602.101(a)). According to the stipulation and proposal for settlement, respondents allegedly caused or allowed the construction of a water main known as the Eads Water Main, without a construction permit as required by the Act.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Paris Daily Beacon-News* on December 8, 2000. The Board has not received any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondents admit that they violated the Act and Board regulations as alleged in the Amended Complaint in this matter. Respondent, City of Paris, agrees to pay a civil penalty of \$2,000 and respondent, Francis Associates, agrees to pay a civil penalty of \$4,000 into the Environmental Protection Trust Fund within 30 days of the adoption of this order. Respondents must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois, the City of Paris, and Francis Associates, concerning the construction of the Eads Water Main located in Paris, Edgar County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondents, City of Paris and Francis Associates shall pay the sums of \$2,000 and \$4,000 respectively within 30 days of the date of this order. These payments shall be made by certified check or money order, payable to the Illinois Environmental Protection Agency, and designated to the Environmental Protection Trust Fund. The case number, case name, and the respondents' Federal Employer Identification Number, must be included on each check or money order, and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The checks or money orders shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

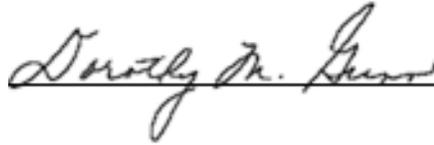
Donna Lutes
Assistant Attorney General
Illinois Attorney General's Office
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondents shall cease and desist all future violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 18th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board