

ILLINOIS POLLUTION CONTROL BOARD  
July 12, 2001

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 01-3
	)	(Enforcement – Public Water Supply)
BENTON & ASSOCIATES, INC., a Delaware	)	
corporation, and R&G CONSTRUCTION, an	)	
Illinois corporation,	)	
	)	
Respondents.	)	

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

On May 24, 2001, the People of the State of Illinois (People) and respondent, Benton & Associates filed a joint stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement by the two parties in this matter. The People alleged in their complaint that Benton & Associates, Inc., as well as the City of Winchester and R&G Construction, failed to supply assuredly safe water by not adequately separating water and sewer main lines during the installation of water mains in Winchester, Scott County, Illinois. This activity was alleged to be in violation of Sections 15, 17(a), and 18 of the Environmental Protection Act (Act) (415 ILCS 5/15, 5/17(a), 5/18 (2000)); 35 Ill. Adm. Code 601.101, 602.101, 602.102, 652.201, 607.104(b), and 653.119; and Section 8.6 of the Recommended Standards for Water Works.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)), 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 *Scott County Times* on May 31, 2001. 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 between the People and Benton & Associates, Inc. sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Benton & Associates, Inc. denies that it violated the Act and Board regulations as alleged in the complaint in this matter. However, Benton & Associates, Inc. allegedly corrected the problem by adequately separating the water and sewer lines in compliance with the Act. Stip. at 10.

Benton & Associates, Inc. agrees to pay a civil penalty of \$12,000 into the Environmental Protection Trust Fund within 30 days of the adoption of this order. It must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

The Board notes that this opinion and order only addresses the joint stipulation and settlement between the People and Benton & Associates, Inc. The Board accepted a stipulation and proposed settlement agreement between the People and the City of Winchester in its June 21, 2001 Board opinion and order. The matter concerning R&G construction is still before the Board for a determination.

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 and Benton & Associates, Inc., concerning the failure to supply assuredly safe water by not adequately separating water and sewer main lines during the installation of water mains in Winchester, Scott County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Benton & Associates must pay \$12,000 within 30 days of this order. It must make the payment by certified check or money order, payable to the Treasurer of the State of Illinois, and designated to the Environmental Protection Trust Fund. The case number, case name, and the Federal Employer Identification Number of Benton & Associates, Inc., shall also be included on each check or money order, and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order 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 or money order must be simultaneously submitted to:

Sally A. Carter  
Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

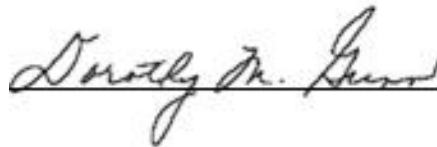
4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (2000)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not 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.

Board Member T.E. Johnson abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) 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 12th day of July 2001 by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board