

ILLINOIS POLLUTION CONTROL BOARD
August 23, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 00-176
) (Enforcement - Water)
 BENTON & ASSOCIATES, INC., a Delaware)
 corporation, and PETERSBURG PLUMBING)
 AND HEATING, a Delaware corporation,)
)
 Respondents.)
)

ORDER OF THE BOARD (by N.J. Melas):

On April 18, 2000, the People of the State of Illinois (complainant) filed a five-count complaint against respondents the City of Auburn (Auburn), Benton & Associates, Inc. (Benton), and Petersburg Plumbing and Heating (PPH). The complaint alleges respondents caused water pollution, failed to protect public water supplies, failed to provide safe water, and failed to adequately separate water and sewer mains. Complainant alleged that respondents violated Sections 12(b) and 18 of the Environmental Protection Act (Act) (415 ILCS 5/12(b) and 18 (2000)) and the Board's regulations at 35 Ill. Adm. Code 370.350, 601.101, 607.104(b), and 653.119.

On August 20, 2001, complainant and Benton 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) (2000). Benton proposes to pay a \$14,000 penalty.

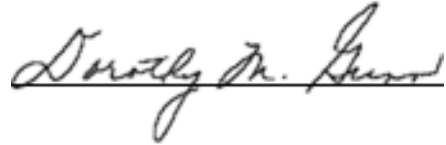
On April 5, 2001, the Board accepted the stipulation and proposal for settlement between complainant and Auburn. The stipulation and proposal for settlement between complainant and Benton does not include Auburn or PPH.

Pursuant to Section 31(c)(2) of the Act, complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. 415 ILCS 5/31(c)(2) (2000). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of August 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