## ILLINOIS POLLUTION CONTROL BOARD November 1, 2001

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 00-176
	)	(Enforcement – Public Water Supply)
PETERSBURG PLUMBING AND	)	
HEATING, a Delaware corporation,	)	
	)	
Respondent.	)	

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

On April 18, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against respondents the City of Auburn (Auburn), Benton & Associates, Inc. (Benton), and Petersburg Plumbing and Heating (PPH). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 12(b) and 18 of the Environmental Protection Act (Act) (415 ILCS 5/12(b) and 18 (2000)); the Board's regulations at 35 Ill. Adm. Code 370.350, 601.101, and 607.104(b); and an Illinois Environmental Protection Agency regulation at 35 Ill. Adm. Code 653.119. The People further allege that respondents violated these provisions by causing water pollution, failing to protect public water supplies, failing to provide safe water, and failing to adequately separate water and sewer mains. The complaint concerns installation of a sanitary sewer system in Auburn, Sangamon County.

On April 5, 2001, the Board accepted the stipulation and proposed settlement between the People and Auburn. On October 4, 2001, the Board accepted the stipulation and proposed settlement between the People and Benton.

On September 18, 2001, the People and PPH filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Auburn Citizen* on September 27, 2001. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of PPH's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and PPH have satisfied Section

103.302. PPH neither admits nor denies the alleged violations of Sections 12(b) and 18 of the Act and Section 607.104(b) of the Board's regulations. PPH agrees to pay a civil penalty of \$7,500. The Board accepts the stipulation and proposed settlement.

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

## **ORDER**

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. PPH must pay a civil penalty of \$7,500 no later than December 1, 2001, which is the 30th day after the date of this order. PPH must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and PPH's federal employer identification number [37-0714603] must be included on the certified check or money order.
- 3. PPH must send the certified check or money order 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:

Office of the Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62706

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
- 5. PPH must cease and desist from the alleged violations.

## IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706.

Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 1, 2001, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board