

The Board notes that this opinion and order only addresses the joint stipulation and settlement between the People and R&G construction. 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, and between the People and Benton & Associates, Inc. in its July 12, 2001 Board opinion and order.

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

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and R&G construction, 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. R&G construction must pay \$5,000 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 R&G construction 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

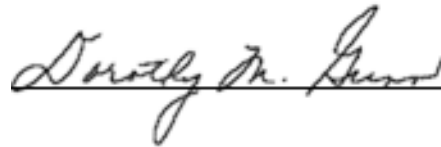
until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

5. Respondents shall cease and desist all future violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

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 December 20, 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