

ILLINOIS POLLUTION CONTROL BOARD

January 10, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-122
)	(Enforcement – Public Water Supply)
JOHN A. GORDON, P.E., and GORDON &)	
PRICE, INC.,)	
)	
Respondents.)	

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

On January 18, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (complainant) filed a one-count complaint against respondents City of Lawrenceville (the City), John A. Gordon, P.E. (Gordon), Gordon & Price, Inc. (G&P), David Guillaum d/b/a D&G Construction (Guillaum), and Wayne Lapington d/b/a Lapington Trucking and Excavating (Lapington).

The complaint alleged that, by allowing the construction of water and sewer mains in the same trench within two feet of each other, respondents violated Sections 12(b), 15, 18(a)(1), and 18(a)(2) of the Environmental Protection Act (415 ILCS 5/12(b), 15, 18(a)(1), 18(a)(2) (2000)); Sections 309.202(a), 601.101, 602.101(a), 602.101(b), and 607.104(b) of the Board's regulations (35 Ill. Adm. Code 309.202(a), 601.101, 602.101(a), 602.101(b), and 607.104(b)); and Section 653.119(a)(1)(A) of the Illinois Environmental Protection Agency's regulations (35 Ill. Adm. Code 653.119(a)(1)(A)). The complaint concerns water and sewer mains in Lawrenceville, Lawrence County, Illinois.

On August 16, 2000, complainant filed a request for relief from the hearing requirement and a stipulation and proposal for settlement with Guillaum and Lapington. On September 21, 2000, the Board granted the request for relief from the hearing requirement and accepted the stipulation and settlement for Guillaum and Lapington. On September 19, 2001, complainant filed a request for relief from the hearing requirement and a stipulation and proposal for settlement with the City. On October 18, 2001, the Board granted the request for relief from the hearing requirement and accepted the stipulation and settlement for the City.

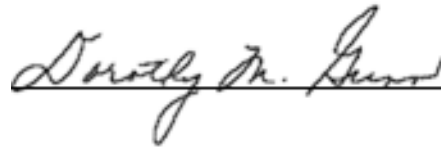
On December 20, 2001, complainant, Gordon, and G&P filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Gordon and G&P agree to pay a civil penalty of \$25,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the

stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board