

ILLINOIS POLLUTION CONTROL BOARD
May 18, 2000

COUNTY OF SANGAMON,)	
)	
Complainant,)	
)	
v.	)	AC 00-3 (SCDPH 99-AC-3)
	)	AC 00-4 (SCDPH 99-AC-2)
ESG WATTS, INC.,	)	AC 00-5 (SCDPH 99-AC-4)
	)	AC 00-6 (SCDPH 99-AC-5)
Respondent.	)	AC 00-7 (SCDPH 99-AC-6)
	)	AC 00-8 (SCDPH 99-AC-7)
	)	AC 00-15 (SCDPH 99-AC-9)
	)	AC 00-18 (SCDPH 99-AC-8)
	)	AC 00-21 (SCDPH 99-AC-10)
	)	AC 00-23 (SCDPH 99-AC-11)
	)	AC 00-24 (SCDPH 99-AC-12)
	)	AC 00-25 (SCDPH 99-AC-13)
	)	AC 00-26 (SCDPH 99-AC-14)
	)	AC 00-29 (SCDPH 99-AC-16)
	)	AC 00-30 (SCDPH 99-AC-17)
	)	AC 00-31 (SCDPH 99-AC-18)
	)	AC 00-37 (SCDPH 99-AC-22)
	)	AC 00-38 (SCDPH 99-AC-23)
	)	AC 00-39 (SCDPH 99-AC-24)
	)	AC 00-40 (SCDPH 99-AC-25)
	)	AC 00-41 (SCDPH 99-AC-26)
	)	AC 00-42 (SCDPH 99-AC-27)
	)	AC 00-43 (SCDPH 99-AC-28)
	)	AC 00-44 (SCDPH 99-AC-29)
	)	AC 00-45 (SCDPH 99-AC-30)
	)	AC 00-46 (SCDPH 99-AC-31)
	)	AC 00-47 (SCDPH 99-AC-32)
	)	AC 00-48 (SCDPH 99-AC-33)
	)	AC 00-49 (SCDPH 99-AC-34)
	)	AC 00-50 (SCDPH 99-AC-35)
	)	AC 00-51 (SCDPH 99-AC-36)
	)	AC 00-53 (SCDPH 99-AC-37)
	)	AC 00-54 (SCDPH 99-AC-38)
	)	AC 00-55 (SCDPH 99-AC-39)
	)	AC 00-64 (SCDPH 99-AC-40)

) AC 00-65 (SCDPH 99-AC-41)
) AC 00-66 (SCDPH 99-AC-42)
) (Administrative Citation)
) (Consolidated)

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

This matter is before the Board on various administrative citations filed by the County of Sangamon (County) against ESG Watts, Inc. (Watts). Between July 28, 1999 and January 18, 2000, the County filed 37 administrative citations against Watts. Watts filed petitions for review in all 37 cases. In each of the 37 administrative citations, the County alleges that Watts violated Sections 21(o)(5), (o)(6), and (o)(9) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(o)(5), (o)(6), and (o)(9) (1998)). The Board ordered these administrative citations be consolidated for purposes of hearing.

On May 8, 2000, the County filed a stipulation and proposal for settlement. In light of the settlement agreement, and in the interest of convenience and judicial economy, the Board is consolidating these administrative citations for purposes of a final decision.

Pursuant to the terms of the stipulation and proposal for settlement, Watts does not admit the alleged violations, but does agree to pay a penalty of \$29,500. The County agrees to dismiss the following cases: AC 00-51 (SCDPH 99-AC-36); AC 00-53 (SCDPH 99-AC-37); AC 00-54 (SCDPH 99-AC-38); AC 00-55 (SCDPH 99-AC-39); AC 00-64 (SCDPH 99-AC-40); AC 00-65 (SCDPH 99-AC-41); and AC 00-66 (SCDPH 99-AC-42). The County also agrees to dismiss the following alleged violations: Section 21(o)(9) from each of the remaining administrative citations and Section 21(o)(6) from AC 00-50 (SCDPH 99-AC-35). Although Watts has not specifically withdrawn its petitions for review, we are construing Watts concurrence in the joint stipulation and settlement as an intent to withdraw the petitions for review.

Accordingly, pursuant to Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (1998)), the Board finds that Watts violated the provisions alleged in the remaining administrative citations, and finds that the appropriate penalty pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1998)) is \$29,500.

ORDER

1. ESG Watts, Inc. (Watts) petition for review is hereby dismissed.
2. The Board finds that Watts violated Sections 21(o)(5) and (o)(6) of the Illinois Environmental Protection Act (415 ILCS 5/21(o)(5) and (o)(6) (1998)), as alleged in each of the administrative citations.
3. The Board grants the motion of the County of Sangamon to dismiss the following actions: AC 00-51 (SCDPH 99-AC-36); AC 00-53 (SCDPH 99-AC-37); AC 00-54

(SCDPH 99-AC-38); AC 00-55 (SCDPH 99-AC-39); AC 00-64 (SCDPH 99-AC-40); AC 00-65 (SCDPH 99-AC-41); and AC 00-66 (SCDPH 99-AC-42). The Board also grants the motion of the County of Sangamon to dismiss the following individual allegations: Section 21(o)(9) from each of the remaining administrative citations and Section 21(o)(6) from AC 00-50 (SCDPH 99-AC-35).

4. It is hereby ordered that Watts must pay a total penalty of \$29,500. The penalty is to be paid by certified check pursuant to the following payment schedule: \$10,000 within seven (7) days of the date of the Board's order; \$10,000 within 45 days of the date of the Board's order; and \$9,500 within 90 days of the date of the Board's order. The certified check must be payable to the Sangamon County Department of Public Health and must be sent to:

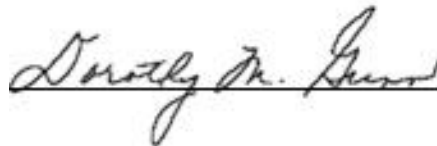
Sangamon County Department of Public Health
Attention: Scott B. Kains
2501 North Dirksen Parkway
Springfield, Illinois 62702

5. The certified check must clearly indicate on its face the case name and number and Watts' federal employer identification number.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 101.246, 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 18th day of May 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board