

ILLINOIS POLLUTION CONTROL BOARD  
February 6, 1992

WONDER VIEW IMPROVEMENT ASSOCIATION,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 91-48
	)	(Enforcement)
NORTHERN ILLINOIS UTILITIES, INC.,	)	
	)	
Respondent.	)	

MR. DENNIS J. PALYS APPEARED ON BEHALF OF COMPLAINANT;

MR. T.P. MATTHEWS APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a complaint filed on April 15, 1991 by Mr. Dennis J. Palys on behalf of the Wonder View Improvement Association. The complaint alleges that respondent installed a "water main" without first obtaining a construction permit from the Illinois Environmental Protection Agency ("Agency"), thereby violating the Board's regulations found at 35 Ill. Adm. Code 602.101<sup>1</sup>. Hearing was held October 7, 1991, in McHenry, Illinois.

Much of the what has been alleged and counter-alleged in this matter is either irrelevant to the matter or not properly before the Board. The proper issue is solely whether respondent committed a violation of the Board's regulations at 35 Ill. Adm. Code 602.101. That is the only issue that the Board will address.

The pertinent facts in this matter are that in December 1990 respondent laid a piece of pipe, of approximately 240 foot length (Tr. 28), along Hickory Drive between Balsam and Elmwood Drives in Wonder Lake, Illinois. At the time of placement the pipe was not connected, and apparently has never been connected, to any other piping or to water distribution facilities. A permit for construction of the piping has not been issued by the Agency.

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<sup>1</sup> The complaint also alleges violation of unspecified Illinois Commerce Commission regulations and "guidelines of the McHenry Township Road District" (April 15, 1991 response of complainant). The Board has no jurisdiction in either of these arenas, and hence all such allegations are improperly brought before this Board.

In pertinent part, Section 602.101 prohibits the "construction of any new public water supply installation" or "the change or addition to any existing public water supply" without a construction permit issued by the Agency. The question is therefore whether respondent's actions constitute either construction of a new public water supply installation or a change or addition to any existing public water supply.

Inasmuch as the piping in question has never been connected to or used in any public water supply context, this Board cannot find that the piping constitutes either a new public water supply installation or a change or addition to an existing public water supply. Accordingly, this matter will be dismissed.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

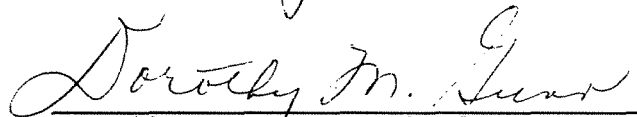
ORDER

The complaint brought before this Board in Docket PCB 91-48 is hereby dismissed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989 ch. 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of February, 1992, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board