

ILLINOIS POLLUTION CONTROL BOARD  
July 13, 2000

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 00-201  
) (Enforcement - PWS)  
VILLAGE OF CHESTERFIELD, an Illinois )  
municipal corporation, LAWRENCE LIPE & )  
ASSOCIATES, an Illinois corporation, and )  
MONIGER EXCAVATING COMPANY, )  
INC., an Illinois corporation, )  
)  
Respondents. )

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On May 5, 2000, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondents violated Section 18 of the Environmental Protection Act (Act) (415 ILCS 5/18 (1998)), and the Board's regulations found at 35 Ill. Adm. Code 370.350, 601.101, 607.104(b), and 653.119, by failing to achieve the required water and sewer main separation, failing to provide assuredly safe drinking water, and failing to protect water main and water services lines.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Macoupin County Enquirer* on June 1, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondents admit the alleged violations and agree to pay a total civil penalty of \$5,250. Respondents must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

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

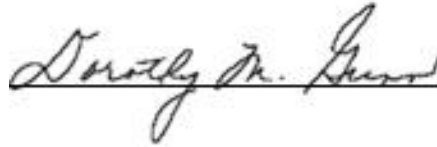
ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and the Village of Chesterfield, an Illinois municipal corporation, Lawrence Lipe & Associates, an Illinois corporation, and Moniger Excavating Company, Inc., an Illinois corporation. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Each respondent shall pay a penalty of \$1,750 for a total civil penalty of \$5,250 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondents' federal employer identification numbers or social security numbers shall also be included on the certified check or money order and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The certified 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 shall be simultaneously submitted to:  
  
Office of the Attorney General  
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 (1998)), 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. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

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 13th day of July 2000 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