

ILLINOIS POLLUTION CONTROL BOARD

July 27, 2000

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 99-72
	)	(Enforcement - PWS)
LAKE OF EGYPT WATER DISTRICT,	)	
WILLIS DALE SHADOWENS, and GARY	)	
RHODES,	)	
	)	
Respondents.	)	

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

On June 26, 2000, the complainant and respondent Willis Dale Shadowens filed a stipulation and proposal for settlement of this action only as it involves Shadowens. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 15, 16.1, 18, and 19 of the Environmental Protection Act (Act) (415 ILCS 5/15, 16.1, 18, and 19 (1998)), and the Board’s regulations at 35 Ill. Adm. Code 601.101, 602.101, 602.102, 602.115, 611.251, 611.262(b), 652.102, and 652.203 by constructing and operating water main extensions without construction and operating permits, failing to pay water main extension and modification fees, failing to properly disinfect water main extensions and a water tank, failing to properly collect turbidity samples, and falsifying monthly turbidity reports.

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 *Vienna Times* and the *Marion Daily Republican* on June 29, 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. Respondent admits the alleged violations and agrees to pay a civil penalty of \$25,000. Respondent 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 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 Willis Dale Shadowens. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. The respondent shall pay a penalty of \$25,000. A partial payment of \$5,000 is due within 30 days of the date of this order and subsequent monthly payments of \$333.33 shall be due beginning October 2000. The monthly payments shall continue until the balance of the penalty is paid in full. Such payments shall be made by certified check to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent's social security number shall also be included on the certified checks and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The certified checks or money orders 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:

Donna Lutes  
Illinois Attorney General's Office  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

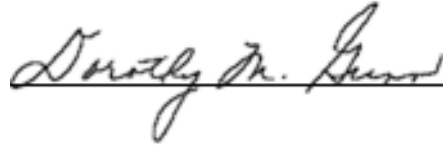
4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not 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 27th day of July 2000 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board