

ILLINOIS POLLUTION CONTROL BOARD
November 2, 2000

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|---------------------------------------|---|-------------------------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 00-32 |
| |) | (Enforcement – Public Water Supply) |
| VILLAGE OF MARYVILLE, an Illinois |) | |
| municipal corporation, and OSBORN |) | |
| HOMES, INC., an Illinois corporation, |) | |
| |) | |
| Respondents. |) | |

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

On August 19, 1999, the People of the State of Illinois filed a four-count complaint against respondents Village of Maryville (Village) and Osborn Homes, Inc. (Osborn Homes) regarding construction of sanitary sewers along Stonebridge Golf Drive in the Village of Maryville, Madison County, Illinois.

The complaint alleges that the Village violated Sections 12(c), 15, and 18 of the Environmental Protection Act (Act) (415 ILCS 5/12(c), 15, 18 (1998)); Section 309.202(a) of the Board’s Construction Permit Rules (35 Ill. Adm. Code 309.202(a)); and Sections 601.101 and 602.101 of the Board’s Public Water Supply Rules (35 Ill. Adm. Code 601.101, 602.101) by constructing sanitary sewers and water main extensions without permits. Additional violations were alleged against Osborn Homes.

On September 28, 2000, the Illinois Environmental Protection Agency (Agency), along with the Village, 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) (1998)). Osborn Homes is not a party to this proposal settlement.

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 Times-Tribune* on October 5, 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. In the proposed stipulation the Village neither admits nor denies the allegations contained in the complaint and agrees to pay a civil penalty of \$6,000. The Village must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board’s regulations.

Again, this stipulation does not affect the People's pending case against Osborn Homes.

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 and the Village. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. The Village must pay the sum of \$6,000 within 60 days of the date of this order, that is on or before January 2, 2001. Such payment must 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 Village's federal employer identification number 37-0922463 must also be included on the certified check or money order and must clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order must 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 must be simultaneously submitted to:

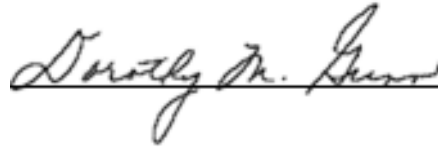
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

4. Any such penalty not paid within the time prescribed will 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 will not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. The Village must 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 2nd day of November 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