## ILLINOIS POLLUTION CONTROL BOARD February 6, 2003

)	
)	
)	
)	
)	PCB 03-108
)	(Enforcement - Water)
)	
)	
)	
)	
)	

## ORDER OF THE BOARD (by T.E. Johnson):

On January 22, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against the Village of Keensburg (Keensburg) and David Dallas doing business as Dallas Consulting, Engineering – Surveying (Dallas). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Keensburg and Dallas violated Sections 15 and 18(a)(1) and (a)(2) of the Environmental Protection Act (Act) (415 ILCS 5/15, 18(a)(1) and (a)(2) (2002)) and Section 602.101 of the Board's regulations. 35 Ill. Adm. Code 602.101. The People further allege that Keensburg and Dallas violated these provisions by failing to obtain a permit for the construction of a water well and failing to obtain a supplemental permit for the completion of another water well. In addition, the People allege that Keensburg failed to obtain a permit for operation of the wells and a rehabilitated water treatment plant. The complaint concerns Keensburg's water wells and water treatment plant in the Village of Keensburg in Wabash County.

On January 22, 2003, the People and each respondent filed separate stipulations and proposed settlements, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act. 415 ILCS 5/31(c)(1) (2002). This filing is authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2002); see 35 Ill. Adm. Code 103.300(a). Under the proposed Keensburg stipulation, Keensburg admits the alleged violations and agrees to pay a civil penalty of \$500. Under the proposed Dallas stipulation, Dallas admits the alleged violations and agrees to pay a civil penalty of \$5,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 6, 2003, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board