

ILLINOIS POLLUTION CONTROL BOARD
July 10, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 03-224
) (Enforcement – Public Water Supply)
VILLAGE OF SIMS, an Illinois municipal)
corporation, FOLLOWELL)
CONSTRUCTION COMPANY, INC., an)
Illinois corporation, and LAMAC)
ENGINEERING COMPANY, an Illinois)
corporation,)
)
Respondents.)

ORDER OF THE BOARD (by D.C. Karpel):

On June 9, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against three respondents: the Village of Sims (Village); Followell Construction Company, Inc. (Followell Construction); and Lamac Engineering Company (Lamac Engineering). The People allege that respondents violated the Environmental Protection Act (Act) (415 ILCS 5/15, 18(a)(1), (2), (3) (2002)) and the Board's public water supply regulations (35 Ill. Adm. Code 601.101(b), 602.101(b), 607.104(b)) by causing or allowing a new water main to be installed too close to a sewer system.

The Village, which is located in Wayne County, owns and operates a public water supply serving approximately 421 consumers through 161 direct connections. The Village retained Lamac Engineering to design, and Followell Construction to build, the new water main that is the subject of the complaint. On June 12, 2003, the People made two filings: (1) a stipulation and proposed settlement with the Village, accompanied by a motion for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)); and (2) a stipulation and proposed settlement with Followell Construction, also accompanied by a motion for relief from the Act's hearing requirement. The Village does not admit the alleged violations and agrees to pay a \$500 civil penalty, while Followell Construction does not admit the alleged violations and agrees to pay a \$5,000 civil penalty. On June 19, 2003, the Board directed that the Clerk cause the required notice of these filings. The Clerk has arranged for newspaper notice publication.

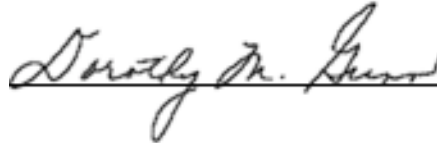
On June 26, 2003, the People filed a stipulation and proposed settlement with Lamac Engineering, accompanied by a request for relief from the Act's hearing requirement. This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). This stipulation, like the two before it, states that the water main project has been reconstructed to comply with the Act and Board regulations. Under the proposed

settlement, Lamac Engineering does not admit 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 this most recent 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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk 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 July 10, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board