ILLINOIS POLLUTION CONTROL BOARD October 2, 2003

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) PCB 03-190
) (Enforcement – Public Water Supply)
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ORDER OF THE BOARD (by M.E. Tristano):

On April 15, 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 Cherry Valley (respondent). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that respondent violated Sections 602.101 and 602.102 of the Board's regulations. The People further allege that respondent violated these provisions by failing to secure a permit for construction to the public water supply. The complaint concerns respondent's public water supply facility in Winnebago County.

On September 24, 2003, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (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 stipulation, the respondent admits the alleged violations and agrees to pay a civil penalty of \$ 3,000.

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) (2000); 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 October 2,2003, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board