

ILLINOIS POLLUTION CONTROL BOARD
November 20, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 04-81
) (Enforcement - Public Water Supply)
EMMETT UTILITIES, INC. an Illinois)
corporation, and RUSSELL D. THORELL,)
individually and as president of EMMETT)
UTILITIES, INC.,)
)
Respondents.)

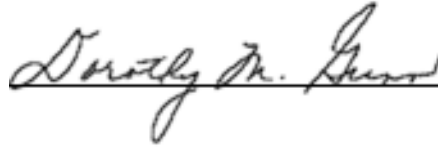
ORDER OF THE BOARD (by T.E. Johnson):

On November 10, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Emmett Utilities, Inc. and Russell D. Thorell (respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that the respondents violated Sections 12(a) and (f) and 18(a)(2) of the Environmental Protection Act (415 ILCS 5/12(a) and (f) and 18(a)(2) (2002)) and 35 Ill. Adm. Code 601.101 and 607.103(c). The People further allege that the respondents violated these provisions by (1) failing to protect the safety of a public water supply; (2) failing to provide continuous operation and maintenance of a public water supply; (3) allowing discharges of untreated effluent, raw sewage, and overflows into an unnamed tributary to the LaMoine River; (4) causing offensive conditions, including unnatural color, odor, sludge, and turbidity in the receiving stream; and (5) violating the conditions of National Pollutant Discharge Elimination System permit number IL0071030. The complaint concerns the respondents' public water supply and wastewater treatment facilities at Stratford West townhouse subdivision near Macomb, McDonough County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if the respondents fail within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider the respondents to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 20, 2003, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board