

ILLINOIS POLLUTION CONTROL BOARD
 June 17, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	
)	PCB 04-142
VILLAGE OF POPLAR GROVE, an Illinois)	(Enforcement - Public Water Supply)
municipal corporation, and R.H.)	
BATTERMAN & COMPANY, INC., a)	
Wisconsin corporation,)	
)	
Respondents.)	

ORDER OF THE BOARD (by J.P. Novak):

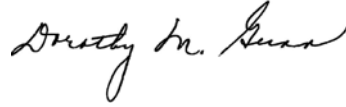
On February 18, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against the Village of Poplar Grove and R.H. Batterman & Company, Inc. (respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that the respondents violated Section 18(a)(2) and (a)(3) of the Environmental Protection Act (Act) (415 ILCS 5/18(a)(2) and (a)(3) (2002)) and 35 Ill. Adm. Code 602.101. The People further allege that the respondents violated these provisions by beginning construction of improvements to a public water supply without a permit issued by the Illinois Environmental Protection Agency. The complaint concerns the respondents’ public water supply facilities at the Village of Poplar Grove, Boone County.

On June 14, 2004, the People and the respondents filed a stipulation and proposed settlement, 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 stipulation, the respondents admit the alleged violations. The Village of Poplar Grove agrees to pay a civil penalty of \$1,000. Batterman & Company, Inc. 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 June 17, 2004, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board