

ILLINOIS POLLUTION CONTROL BOARD
January 20, 2005

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 05-96
) (Enforcement - Water, Public Water
VILLAGE OF NORTH CITY, an Illinois) Supply)
municipal corporation; LAWRENCE A. LIPE)
& ASSOCIATES, INC., an Illinois)
corporation, ALTMAN-CHARTER)
COMPANY, a Missouri corporation; and)
FURLONG EXCAVATING, INC., an Illinois)
corporation,)
)
Respondents.)

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

On November 17, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Village of North City; Lawrence A Lipe & Associates, Inc.; Altman-Charter Company; Furlong Excavating, Inc. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The complaint concerns the construction or installation of a sewage lift station and water main in the Village of North City, Franklin County.

On November 22, 2004, the Board received a stipulation and proposal for settlement in this matter as to the single respondent, Lawrence A. Lipe & Associates, Inc. On December 2, 2004, the Board ordered publication of the necessary notice relating to this stipulation and proposal for settlement agreement. The Board has not yet ruled on the request for relief from the hearing requirement or accepted that stipulation and proposal for settlement.

On December 28, 2004, the Board also received a stipulation and proposed settlement as to another single respondent, Furlong Excavating, Inc. On January 6, 2005, the Board ordered publication of the necessary notice relating to this stipulation and proposal for settlement agreement. The Board has also not yet ruled on this second request for relief from the hearing requirement or accepted that stipulation and proposal for settlement.

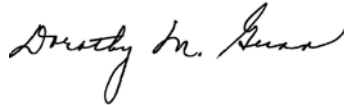
On January 6, 2005, the People and Altman-Charter Company also filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Altman-Charter Company neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$2,000. The remaining respondent, the

Village of North City, is not a participant in any of the stipulation and settlement agreements of Furlong Excavating; Lawrence A. Lipe & Associates, Inc.; or Altman-Charter Company.

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 January 20, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board