

ILLINOIS POLLUTION CONTROL BOARD

February 2, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-15
)	(Enforcement - Public Water Supply)
ILLINOIS-AMERICAN WATER)	
COMPANY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On August 1, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Illinois-American Water Company. *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Illinois-American Water Company's public water supply facility that serves a new Home Depot store at 143rd Street and Bell Road, Homer Township, Will County.

The People allege that Illinois-American Water Company violated Section 18(a)(3) of the Environmental Protection Act (Act) (415 ILCS 5/18(a)(3) (2004)). The People further allege that Illinois-American Water Company violated this provision by failing to obtain an operating permit before operating water mains.¹

On January 26, 2006, the People and Illinois-American Water Company 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Illinois-American Water Company neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$7,500. Illinois-American Water Company further agrees to pay a cash contribution in the amount of \$5,000 to the Village of Homer Glen, for use in constructing an off-road multi-use trail system and trailhead, as a supplemental environmental project. Illinois-American Water Company further agrees to perform an environmental compliance audit valued at \$5,000 at one of its facilities in the Chicago Metropolitan area and submit the results to the People, as another supplemental environmental project.

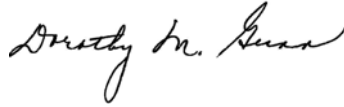
Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely

¹ This same installation is the subject of other pending or settled enforcement actions: People v. Home Depot, PCB 05-168 (pending); People v. Weis Builders, Inc., PCB 06-44 (Jan.5, 2006); and People v. STS Consultants, PCB 6-48 (pending).

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) (2004); 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 February 2, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board