

ILLINOIS POLLUTION CONTROL BOARD

May 4, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-30
	)	(Enforcement – Public Water Supply)
HENEGHAN & ASSOCIATES, P.C., an	)	
Illinois corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by N.J. Melas):

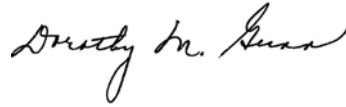
On August 29, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Heneghan & Associates, P.C., an Illinois Corporation (Heneghan). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Heneghan violated Section 15(a) of the Environmental Protection Act (Act) and Sections 602.101(a) and 602.116 of the Board's public water supply permit regulations. 415 ILCS 5/15(a) (2004); 35 Ill. Adm. Code 602.101(a); 602.116. The People further allege that Heneghan violated these provisions while employed by the Calhoun County Rural Water District to install water mains for the Phase III Water Main Extension in Calhoun County. On some date or dates prior to January 5, 2004, the People allege that Heneghan caused or allowed the construction of 60,070 feet of four-inch water main and 10,575 feet of six-inch water main for the water district without a construction permit.

On April 11, 2006, the People and Heneghan 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 Heneghan neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000.

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) (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 May 4, 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