

ILLINOIS POLLUTION CONTROL BOARD

July 6, 2006

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

OPINION AND 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Calhoun News Herald* on May 26, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Heneghan's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Heneghan have satisfied Section 103.302. Under the proposed stipulation, Heneghan neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

**ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Heneghan & Associates, P.C. (Heneghan) must pay a civil penalty of \$5,000 no later than August 5, 2006, which is the 30th day after the date of this order. Heneghan must pay the civil penalty by certified check, money order, or electronic funds transfer payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Heneghan's social security number or federal employer identification number must be included on the certified check or money order.
3. Heneghan must send the certified check, money order, or electronic funds transfer to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter must be sent to:

Kristen Laughridge  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62702

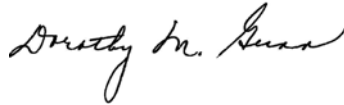
Joey Logan-Wilkey  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. Heneghan must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 6, 2006, by a vote of 4-0.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", written in a cursive style.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board