

ILLINOIS POLLUTION CONTROL BOARD

October 19, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-104
)	(Enforcement – Air, Land, Water)
MOORE PAINTING CO. and ILLINOIS-)	
AMERICAN WATER COMPANY,)	
)	
Respondents.)	

ORDER OF THE BOARD (by T.E. Johnson):

On December 20, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Moore Painting Co. (Moore) and Illinois-American Water Company (IAW) (collectively respondents). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns a vertical water storage tank located at 1013 Cardinal Street in a residential area of the city of Alton, Madison County.

In the complaint, the People allege that respondents violated Sections 9(a), 12(d), 21(a), (e), and (p)(1); and 35 Ill. Adm. Code 722.111 and 808.121(a). The People allege that the respondents violated these provisions by failing to implement effective precautions during the removal of lead-based paint, thereby causing, allowing or threatening the discharge of a contaminant into the air so as to cause or tend to cause air pollution; by failing to implement effective precautions during the removal of lead-based paint thereby creating a water pollution hazard; by depositing, dumping, or abandoning lead-based paint waste; by employing uncontained hydro-blasting on lead-based paint in such a way as to cause or allow open dumping; and by failing to perform hazardous or special waste determinations. The Board accepted the case for hearing on January 5, 2006.

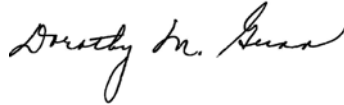
On October 11, 2006, the People filed two stipulations and proposed settlements – one with each respondent, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Illinois Environmental Protection Act (Act). 415 ILCS 5/31(c)(1) (2004). Although the pleadings are entitled partial stipulations, each resolves the entire matter between the parties. These filings are 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 first proposed stipulation, Moore does not admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$16,800. Under the second stipulation, IAW does not admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$9,200.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulations, proposed settlements, and requests 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 notices.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 19, 2006, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board