

ILLINOIS POLLUTION CONTROL BOARD

October 4, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 00-122
) (Enforcement – Public Water Supply)
CITY OF LAWRENCEVILLE, JOHN A.)
GORDON, P.E., and GORDON & PRICE,)
INC.,)
)
Respondents.)

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

On January 18, 2000, the People of the State of Illinois (complainant) filed a one-count complaint against respondents City of Lawrenceville (the City), John A. Gordon, P.E. (Gordon), Gordon & Price, Inc. (G&P), David Guillaum d/b/a D&G Construction (Guillaum), and Wayne Lapington d/b/a Lapington Trucking and Excavating (Lapington).

The complaint alleged that, by allowing the construction of water and sewer mains in the same trench within two feet of each other, the City, Gordon, and G&P violated Sections 12(b), 15, 18(a)(1), and 18(a)(2) of the Environmental Protection Act (415 ILCS 5/12(b), 15, 18(a)(1), 18(a)(2) (2000)); Sections 309.202(a), 601.101, 602.101(a), 602.101(b), and 607.104(b) of the Board's regulations (35 Ill. Adm. Code 309.202(a), 601.101, 602.101(a), 602.101(b), and 607.104(b)); and Section 653.119(a)(1)(A) of the Illinois Environmental Protection Agency's regulations (35 Ill. Adm. Code 653.119(a)(1)(A)).

On August 16, 2000, complainant filed a request for relief from the hearing requirement and a stipulation and proposal for settlement with Guillaum and Lapington. On September 21, 2000, the Board granted the request for relief from the hearing requirement and accepted the stipulation and settlement.

On September 19, 2001, complainant and the City filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). The City neither admits nor denies the alleged violations in the complaint but proposes to perform a \$2,000 Supplemental Environmental Project (SEP) as a penalty. The SEP involves the creation of a five-acre nature preserve. In the event that the City does not perform the SEP by December 31, 2001, the City must pay a penalty of \$2,000 by no later than January 31, 2002.

The proposed stipulation and proposal for settlement between complainant and the City does not release Gordon or G&P from liability.

Pursuant to Section 31(c)(2) of the Act, complainant may file with the Board a stipulation

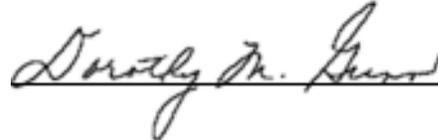
and proposal for settlement accompanied by a request for relief from the hearing requirement. 415 ILCS 5/31(c)(2) (2000). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing with respect to matters between complainant and the City.

On October 1, 2001, Gordon and G&P filed a pleading before the Board. Gordon and G&P stated that they were not opposed to the stipulation but that they disputed the accuracy of the statement of facts in the stipulation. The Board finds that the statement of facts pertains to the stipulation only. The Board will not employ the statement of facts from the stipulation in making decisions with respect to any future hearings, opinions, or orders involving complainant and Gordon or G&P.

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 4, 2001, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board