

ILLINOIS POLLUTION CONTROL BOARD
January 23, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 03-74
) (Enforcement – Public Water Supply)
CITY OF GEORGETOWN, an Illinois)
municipal corporation, and T.K. FLEMING)
CONSTRUCTION, INC., an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by M.E. Tristano):

On November 20, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against the City of Georgetown and T.K. Fleming Corporation, Inc. (respondents). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The People allege that respondents violated Section 12(b), 15, and 18(a) of the Environmental Protection Act (Act) and various regulations pertaining to public water supplies. The People further allege that respondents violated these provisions by failing to submit construction permit applications for a water main extension and a sewer main; failing to submit a permit application for operating the water main; constructing the water and sewer mains on a vertical plane less than 18 inches apart; failing to implement the cross-connection ordinance by conducting a survey; and failing to maintain data on inspections, repairs, and tests. The complaint concerns the City of Georgetown's annexation of the Woodland Estates Subdivision, located in Georgetown, Vermillion County.

On December 10, 2002, the People and the City of Georgetown 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *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 *Commercial-News* on December 20, 2002. 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) (2002); 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 the City of Georgetown'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) (2002)). The People and the City of Georgetown have satisfied Section 103.302. The City of Georgetown admits the alleged

violation(s) and agrees to pay a civil penalty of \$500. The Board accepts the stipulation and proposed settlement. This stipulation and proposed settlement would not resolve the complaint against T.K. Fleming.

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

ORDER

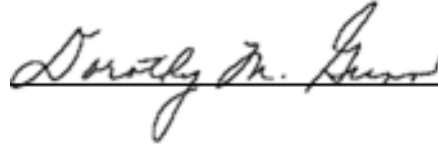
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The City of Georgetown must pay a civil penalty of \$500 no later than February 24, 2003, which is the 30th day after the date of this order. The City of Georgetown must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and the City of Georgetown's social security number or federal employer identification number must be included on the certified check or money order.
3. The City of Georgetown must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
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) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. The City of Georgetown 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) (2002); *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 January 23, 2003, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board