

ILLINOIS POLLUTION CONTROL BOARD  
April 25, 1991

PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 90-217  
 ) (Enforcement)  
 )  
RAGING RIVERS WATER PARK, )  
a Missouri corporation, )  
 )  
Respondent. )

JAMES L. MORGAN APPEARED ON BEHALF OF THE COMPLAINANT; and

JOSEPH T. PORTER APPEARED ON BEHALF OF THE RESPONDENT

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

This matter comes before the Board upon a complaint filed November 14, 1990 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Roland Burris, Attorney General of the State of Illinois, against Raging Rivers Water Park, located Grafton, Jersey County, Illinois. The complaint alleges that Raging Rivers Water Park has violated Section 12(a) and (f) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$ , pars. 1001, et. seq., and 35 Ill. Adm. Code 309.102(a) and 309.154(a) of the Board's rules and regulations.

Hearing on this matter was held March 27, 1991 in Jerseyville, Jersey County, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Raging Rivers Water Park agrees to pay a civil penalty of eleven thousand five hundred dollars (\$11,500) for discharges without an NPDES permit and one thousand dollars (\$1,000) for construction without a permit. Raging Rivers Water Park further agrees to cease and desist from the alleged violations.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. This Settlement Agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1.) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Raging Rivers Water Park, concerning Raging Rivers Water Park's operations located in Grafton, Jersey County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Raging Rivers Water Park shall pay the sum of twelve thousand five hundred dollars (\$12,500) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

Raging Rivers Water Park shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

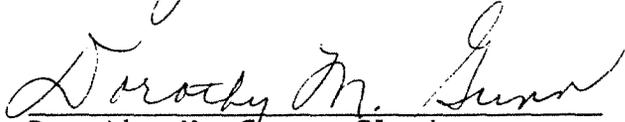
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (Ill. Rev. Stat. 1989, ch. 120, par. 10-1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$ , par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

J. D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 25~~4~~ day of April, 1991, by a vote of 6-1.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board