

ILLINOIS POLLUTION CONTROL BOARD

July 12, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 01-165
) (Enforcement – Public Water Supply)
 VILLAGE OF RANTOUL and TEXTRON)
 AUTOMOTIVE EXTERIORS, INC.,)
)
 Respondents.)

OPINION and ORDER OF THE BOARD (by C.A. Manning):

On June 5, 2001, the People of the State of Illinois (People) filed a two-count complaint against the Village of Rantoul (Village) and Textron Automotive Exteriors, Inc. (Textron). The first count of the complaint alleges that Textron and the Village constructed a water main installation without a permit in alleged violation of Sections 15 and 18 of the Environmental Protection Act (Act) (415 ILCS 5/15, 18 (2000)) and the Board's regulations at 35 Ill. Adm. Code 602.101. The second count of the complaint alleges that the Village constructed a water main extension without a permit in alleged violation of Section 18 of the Act (415 ILCS 5/18 (2000)) and the Board's regulations at 35 Ill. Adm. Code 601.101. These alleged violations occurred in the Village of Rantoul, Champaign County.

On June 5, 2001, the People and the Village, and the People and Textron each 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)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The News-Gazette* on June 8, 2001. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulations and proposals for settlement set forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. The Village admits the violations of Sections 15 and 18 of the Act and the Board's regulations at 35 Ill. Adm. Code 602.101. The Village does not admit the violation of 35 Ill. Adm. Code 601.101. The Village agrees to pay a civil penalty of \$3,000. Textron admits the violations of Section 18 of the Act and the Board's regulations at 35 Ill. Adm. Code 602.101. Textron does not admit the violation of Section 15 of the Act. Textron agrees to pay a civil penalty of \$15,000.

The Board accepts these stipulations and proposals for settlement filed by the parties in this matter. The Village and Textron must continue to comply with any federal, State, or local regulations

including, but not limited to, the Act and the Board's regulations.

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

ORDER

1. The Board hereby accepts the stipulations and settlement agreements executed by the People of the State of Illinois, the Village of Rantoul (Village) and Textron Automotive Exteriors, Inc. (Textron). The stipulations and settlement agreements are incorporated by reference as though fully set forth herein.
2. The Village must pay a civil penalty of \$3,000 within 30 days of the date of this order. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, for deposit in the Environmental Protection Trust Fund. The case number, case name, and the Village's federal employer identification number, 37-6000510, must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.

Textron must pay a civil penalty of \$15,000 within 30 days of the date of this order. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, for deposit in the Environmental Protection Trust Fund. The case number, case name, and Textron's federal employer identification number, 05-0471352, must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The certified checks or money orders must be sent by first class mail 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 payment transmittals and certified checks or money orders must be simultaneously submitted to:

Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

4. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003

(2000)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

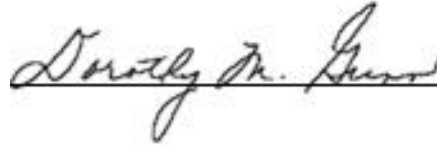
5. The Village and Textron must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Board Member T.E. Johnson abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 12th day of July 2001 by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board