

ILLINOIS POLLUTION CONTROL BOARD

August 9, 2001

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 01-144 |
| |) | (Enforcement – Public Water Supply) |
| CITY OF PANA, HOUSING AUTHORITY OF |) | |
| CHRISTIAN COUNTY, PRAIRIE LAND |) | |
| CONSTRUCTION, INC., and RICH |) | |
| WILLIAMS d/b/a C.R. WILLIAMS & |) | |
| ASSOCIATES ARCHITECTS, |) | |
| |) | |
| Respondents. |) | |

ORDER OF THE BOARD (by E.Z. Kezelis):

On April 20, 2001, the complainant filed a two-count complaint against the City of Pana, the Housing Authority of Christian County (Housing Authority), Prairie Land Construction, Inc. (Prairie Land), and Rich Williams d/b/a C.R. Williams & Associates Architects. The complainant alleges violations of the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2000)) and Board regulations pertaining to the construction of a water main project at the Washington Court Housing Project in Pana, Christian County, Illinois.

On July 10, 2001, the complainant 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 proposed settlement is with the Housing Authority only.

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 the request for relief from the hearing requirement. The notice appeared on July 12, 2001, in the *Pana News-Palladium*. In the stipulation and proposal for settlement, the Housing Authority agreed to pay a \$4,000 penalty.

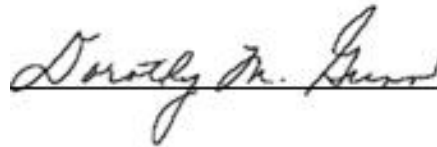
On August 3, 2001, Prairie Land filed a request that a hearing be held in this matter. Pursuant to Section 31(a)(2) of the Act (415 ILCS 5/31(a)(2) (2000)), if a person timely files a demand for hearing, the Board shall deny the request for relief from hearing and hold a hearing in accordance with the provisions of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). Prairie Land's demand for hearing was filed within the statutory 21-day notice period. See 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Accordingly, the Board denies the request for relief from the hearing requirement. The Board directs that this matter proceed to hearing as expeditiously as practicable. The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Act and the Board's procedural rules.

Section 103.304 of the Board's procedural rules allows interested persons to make statements regarding the alleged violations and the proposed stipulation and settlement agreement at hearing. 35 Ill. Adm. Code 103.304. The Board's procedural rules also require that the proposed stipulation and settlement agreement be entered and presented into the record at hearing. 35 Ill. Adm. Code 103.300(c).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 9th day of August 2001 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