

ILLINOIS POLLUTION CONTROL BOARD
September 5, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 03-23
) (Enforcement – Public Water Supply)
CITY OF DES PLAINES, an Illinois)
municipal corporation, and MCDONOUGH)
ASSOCIATES, INC., an Illinois corporation,)
)
Respondents.)

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

On August 29, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the City of Des Plaines and McDonough Associates, Inc. (respondents). *See* 415 ILCS 5/31(c)(1) (2000) *as amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 15 and 18(a) of the Environmental Protection Act (Act) (415 ILCS 5/15, 18(a) (2000)) and 35 Ill. Adm. Code 602.101 and 602.102. The People further allege that respondents violated these provisions by failing to obtain permits for the construction and installation of a water main, and causing and allowing the operation of the water main without a permit from November 1, 1999 until August 31, 2000. The complaint concerns respondents' reconstruction of the Oakton Street water main in Des Plaines, Cook County.

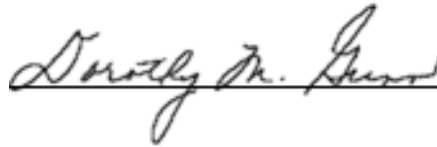
Additionally on August 29, 2002, the People and respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000) *as amended by* P.A. 92-0574, eff. June 26, 2002). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000) *as amended by* P.A. 92-0574, eff. June 26, 2002). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondents neither admit nor deny the alleged violations, but agree to pay a civil penalty. Respondent City of Des Plaines agrees to pay the sum of \$15, 000. Respondent McDonough Associates, Inc. agrees to pay the sum of \$11,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2000) *as amended by* P.A. 92-0574,

eff. June 26, 2002; 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 5, 2002, 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