

ILLINOIS POLLUTION CONTROL BOARD
November 7, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 03-32
) (Enforcement – Public Water Supply)
CITY OF CHICAGO HEIGHTS, a municipal)
corporation, and ROBINSON)
ENGINEERING, LTD., an Illinois)
corporation,)
)
Respondents.)

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

On September 23, 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 Chicago Heights and Robinson Engineering, Ltd. (respondents). *See* 415 ILCS 5/31(c)(1) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 15(a), and 18(a) of the Environmental Protection Act (Act) (415 ILCS 5/15(a), 18(a) (2000)) and numerous provisions of the Board's public water supply regulations. The People further allege that respondents violated these provisions by failing to obtain a construction permit; failing to submit plans and specifications prior to construction of a public water supply; and by causing, threatening or allowing the distribution of water from the public water supply of such quality as to be injurious to human health. The complaint concerns the construction of a pump station and water main in Chicago Heights, Cook County. The location of the water main was not specified, although the complaint alleges that the water main is located approximately five to fifteen feet from a petroleum pipeline.

Additionally on September 23, 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), *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)). *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 *The Star Newspapers* on September 26, 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) (2000), *amended by* P.A. 92-0574, eff. June 26, 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 respondents' 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) (2000)). The People and respondents have satisfied Section 103.302. Respondents deny the alleged violations but agree to pay a civil penalty. Respondent City of Chicago Heights agrees to pay a civil penalty of \$20,000. Respondent Robinson Engineering agrees to pay a civil penalty of \$38,000. The Board accepts the stipulation and proposed settlement.

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 Chicago Heights and Robinson Engineering, Ltd. (respondents) must each pay a civil penalty. The City of Chicago Heights shall pay \$20,000, and Robinson Engineering, Ltd. shall pay \$38,000 no later than December 7, 2002. Each respondent 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 respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. Each respondent 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) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Respondents must cease and desist from the alleged violations.

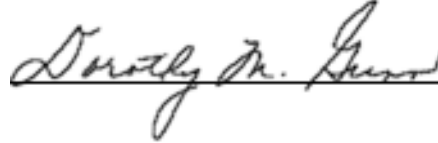
IT IS SO ORDERED.

Board Member W.A. Marovitz concurred.

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) (2000); *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 November 7, 2002, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board