

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 02-36
) (Enforcement – Public Water Supply)
CITY OF GOLCONDA, BROWN,)
ROFFMAN & ROBERTS, INC. and FORBY)
EXCAVATING, INC.,)
)
Respondents.)

ORDER OF THE BOARD (by N.J. Melas):

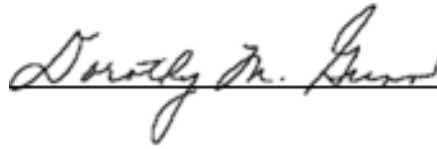
On September 18, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People) filed a three-count complaint against respondents City of Golconda; Brown, Roffman & Roberts, Inc.; and Forby Excavating, Inc. *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that respondents failed to maintain the required physical separation between water mains and sewer mains at three places in Golconda, Pope County. These activities were in alleged violation of Section 18 of the Environmental Protection Act (Act) (415 ILCS 5/18 (2000)), Sections 601.101 and 607.104(b) of the Board’s regulations (35 Ill. Adm. Code 601.101 and 607.104(b)), and Section 653.119 of the Illinois Environmental Protection Agency’s regulations (35 Ill. Adm. Code 653.119).

On May 28, 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)). 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). Under the proposed stipulation, the respondents admit violating Section 18 of the Act. Respondents Brown, Roffman & Roberts and Forby Excavating, Inc. agree to pay a penalty of \$1,500 each and respondent City of Golconda agrees to pay a civil penalty of \$800.

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); 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 June 6, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board