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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Jim Ryan
ATTORNEY GENERAL

January 29, 2002

The Honorable Dorothy Gunn
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph
Chicago, Illinois 60601

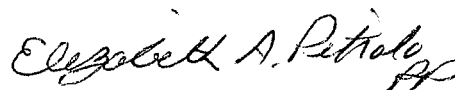
Re: **People v. Bernie C. Morris**
PCB No. 02-73

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of page 3 of the STIPULATION AND PROPOSAL FOR SETTLEMENT filed in regard to the above-captioned matter. This page should be substituted in the Stipulation filed on January 8, 2002. It reflects a change made in paragraph 4 to reflect settlement of Sections 309.102(a) and 304.141(b) of the Board's Water Pollution Regulations. Please file the original with the Stipulation.

Thank you for your cooperation and consideration.

Very truly yours,



Elizabeth Ann Pitrolo
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

EAP/pp
Enclosures
cc: Steven Langhoff

3. Complainant alleges Respondent constructed a sewer extension without the required construction permit, thereby violating Section 12(a), (b) and (c) of the Act 415 ILCS 5/12(a)(b)(c)(2000) and Section 309.202(a) of Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a)(1999).

4. Complainant alleges Respondent engaged in construction activities at Wood Ridge Subdivision which threatened or allowed offsite discharge of contaminants without an NPDES permit, thereby violating Section 12 (f) of the Act, 415 ILCS 5/12 (f) (2000) and Sections 309.102(a) and 304.141(b) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a) and 304.141(b)(1999).

5. Respondent has subsequently obtained the required permits from the Illinois EPA, and is acting to resolve the circumstances which lead to the alleged violations.

V.

FUTURE PLANS OF COMPLIANCE

Respondent shall continue to diligently conform to the Act, 415 ILCS 5/1 *et seq.* (2000), and the Board's Water Pollution Regulations, 35 Ill. Adm. Code Subtitle C.

VI.

IMPACT ON THE PUBLIC RESULTING FROM NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2000), provides;

- c. In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:
 - i. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
 - ii. the social and economic value of the pollution source;
 - iii. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;