ILLINOIS POLLUTION CONTROL BOARD April 7, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 05-86 (Enforcement - Water)
FAIRACRES SUBDIVISION)	(Emoreement water)
ASSOCIATION, an Illinois not-for-profit)	
corporation,)	
)	
Respondent.)	

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

On November 9, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Fairacres Subdivision Association (Fairacres). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that the Fairacres violated Section 18(a)(2) and 19 of the Act and Sections 611.121(a), 125, 325(a)(2), 522(a), 831, and 653.605 and 704 of the Board's public water supplies regulations. 415 ILCS 5/18(a)(2), and 19 (2002); 35 Ill. Adm. Code 611.121(a), 125, 325(a)(2), 522(a), 831, and 653.605 and 704. The People further allege that the respondents violated these provisions by violating total-coliform regulations, failing to meet fluoridation requirements, and failing to submit he required reports and records. The complaint concerns the operation of a community water supply located in Silvis, Rock Island County.

On March 18, 2005, the People and Fairacres 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondents do not admit nor deny the allegations and agree to pay a civil penalty of \$750.

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) (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 April 7, 2005, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board