

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-4
	)	(Enforcement - Public Water Supply)
LEONARD FOSTER d/b/a/ RIVERCREST	)	
MOBILE HOME PARK,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On July 6, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Leonard Foster d/b/a Rivercrest Mobile Home Park (respondent). The People's complaint concerns respondent's public water supply, which is located in the Rivercrest Mobile Home Park at 5800-5830 South River Road, Chebanse, Kankakee County. The parties now seek to settle without a public hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 18 and 18(a)(1) of the Environmental Protection Act (Act) (415 ILCS 5/18 and 18(a)(1) (2004)), and provisions of the Board's rules at 35 Ill. Adm. Code 601.101, 606.101, and 611.240(g). The People further allege that respondents violated the rules of the Illinois Environmental Protection Agency (Agency) at 35 Ill. Adm. Code 653.109(d) and (e), 653.103(a), 653.604(a), and 654.202, as well as Sections 3.2.1.1, 3.2.1.2, 3.2.7.5, and 3.2.5.8 of the *Recommended Standards for Water Works as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers*, 1982 edition.<sup>1</sup> Respondent allegedly violated these provisions by, among other things, not having adequate capacity and rate of delivery, failing to provide adequate chlorination, and failing to meet construction requirements for the public water supply.

The People and respondent filed a stipulation and proposed settlement on

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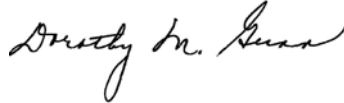
<sup>1</sup> The *Recommended Standards for Water Works as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers*, 1982 edition, are incorporated by reference in the Agency's rules at 35 Ill. Adm. Code 651.102, and the Agency is authorized by Board rule at 35 Ill. Adm. Code 602.115 to adopt technical policy statements for design, operation, and maintenance of public water supplies.

September 9, 2005, and a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)) on September 12, 2005. These filings are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondent admits the alleged violations and agrees to pay a civil penalty of \$3,500.

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. *See* 415 ILCS 5/31(c)(2) (2004); 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 15, 2005, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board