

ILLINOIS POLLUTION CONTROL BOARD  
October 20, 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. )

OPINION AND 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 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, 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), 654.202 and 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 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'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.

On September 9, 2005, 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). 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 several newspapers published by Pioneer Press including the *Kankakee Daily Journal*. The notice was published on September 22, 2005. 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) (2004); 35 Ill. Adm. Code 103.300(b).

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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.

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) (2004)). The People and respondents have satisfied Section 103.302. Respondent admits the alleged violations and agrees to pay a civil penalty of \$3,500. 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. Leonard Foster d/b/a Rivercrest Mobile Home Park must pay a civil penalty of \$3,500, no later than November 21, 2005. Leonard Foster d/b/a Rivercrest Mobile Home Park must pay the civil penalty by certified check money order, or electronic transfer, payable to Illinois EPA designated for the Illinois Environmental Protection Trust Fund. The case number, case name, and respondents' social security number or federal employer identification number must be included on the certified check or money order.
3. Leonard Foster d/b/a Rivercrest Mobile Home Park 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. A copy of each certified check, money order, or electronic funds transfer and any transmittal letter shall be sent to:

Kristen Laughridge  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62702

Tom Andryk  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East

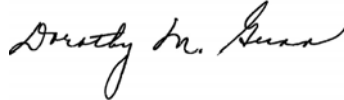
P.O. Box 19276  
Springfield, Illinois 62794-9276

5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
6. Leonard Foster d/b/a Rivercrest Mobile Home Park must cease and desist from the alleged violations.

IT IS SO ORDERED.

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) (2004); *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 October 20, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board