

ILLINOIS POLLUTION CONTROL BOARD  
January 5, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 05-215
	)	(Enforcement - Public Water Supply)
FIRST ROCKFORD GROUP, INC.,	)	
VILLAGE OF CHERRY VALLEY, and	)	
SCHLICHTING & SONS EXCAVATING,	)	
INC.,	)	
	)	
Respondent.	)	

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

On June 15, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against First Rockford Group, Inc., Heritage Engineering, Ltd.,<sup>1</sup> and Schlichting & Sons Excavating, Inc. (collectively, respondents), and a two-count complaint against Village Of Cherry Valley (Cherry Valley). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that respondents and Cherry Valley violated Section 15 of the Environmental Protection Act (Act) (415 ILCS 5/15 (2004)), and provisions of the Board's rules at 35 Ill. Adm. Code 602.101(a). In the second count of the complaint, the People allege that Cherry Valley violated Section 15 of the Act (415 ILCS 5/15 (2004)) and the Board's rules at 35 Ill. Adm. Code 602.101(a) and 652.101(a). The People allege that respondents and Cherry Valley violated these provisions by constructing and installing potable water lines at the Golf Hill subdivision in Cherry Valley, Winnebago County.

On December 23, 2005, the People and Cherry Valley 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). Under the proposed stipulation, Cherry Valley admits the alleged violations and agrees to pay a civil penalty of \$14,500.

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

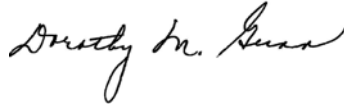
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<sup>1</sup> On September 26, 2005, the People and one of the respondents, Heritage Engineering, Ltd. (individually, Heritage), filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement. The Board accepted that stipulation and settlement agreement by an order dated November 3, 2005. People v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd., and Schlichting & Sons Excavating, Inc., PCB 05-215 (Nov. 3, 2005). The caption in this matter has been changed to reflect that acceptance.

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) (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 January 5, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board