

ILLINOIS POLLUTION CONTROL BOARD
April 6, 2006

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 06-90
) (Enforcement – Public Water Supply)
VILLAGE OF VOLO, a municipal)
corporation, and SMITH ENGINEERING)
CONSULTANTS, INC., an Illinois)
corporation,)
)
Respondents.)

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

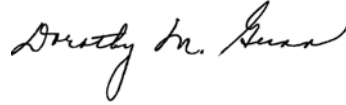
On December 9, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against the Village of Volo (Volo) and Smith Engineering Consultants, Inc. (Smith Engineering) (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. Smith Engineering was a consultant and certified operator of Volo’s public water supply. The People allege that the respondents violated Sections 15(a), 18(a) of the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)) and Sections 602.101(a), 602.102, 652.101(a), and 652.201 of the Board’s water supply regulations. 415 ILCS 5/15(a) and 18(a) (2004); 35 Ill. Adm. Code 602.101(a), 602.102, 652.101(a), 652.201. The People further allege that the respondents violated these provisions by failing to submit plans and specifications for a public water supply before construction, constructing and operating a public water supply without a permit, and constructing a community water supply without a permit. The complaint concerns the Volo’s public water supply located in Volo, Lake County.

On March 30, 2006, the People and the 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). Under the proposed stipulation, the respondents deny the alleged violations and agree to pay a civil penalty of \$8,000.

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) (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 April 6, 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