

ILLINOIS POLLUTION CONTROL BOARD

December 17, 2009

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 09-22
) (Enforcement - Public Water Supply)
WILLIAM WARREN,)
)
Respondent.)

ORDER OF THE BOARD (by G.L. Blankenship):

On October 7, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against William Warren (Warren). See 415 ILCS 5/31(c)(1) (2008); 35 Ill. Adm. Code 103.204. The People allege that Warren violated Sections 15 and 18 of the Environmental Protection Act (Act) (415 ILCS 5/15, 18 (2008)) and Sections 602.101 and 652.101 of the Board's public water supply regulations (35 Ill. Adm. Code 602.101, 652.101). The People further allege that Warren violated these provisions by (1) causing or allowing the change of or addition to an existing public water supply without first obtaining a construction permit issued by the Illinois Environmental Protection Agency, and (2) causing or allowing an alteration, change, or addition to an existing community water supply in a manner that may affect the sanitary or mineral quality of the water or the adequacy of the supply of the water where a construction permit had not previously been obtained by the official custodian of the community water supply. The complaint concerns a water main extension allegedly installed in the Carlyle North water system along Bull Frog Lane near the intersection with Walcott Road in Carlyle, Clinton County.

On December 11, 2009, the People and Warren 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Warren neither admits nor denies the alleged violation(s) and agrees to pay a civil penalty of \$5,000.

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) (2008); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 17, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board