

ILLINOIS POLLUTION CONTROL BOARD
September 21, 2000

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-31
)	(Enforcement – Public Water Supply)
VILLAGE OF SOUTH ELGIN,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On August 16, 2000, the People of the State of Illinois filed a two-count complaint against the Village of South Elgin (Village). The complaint alleges that the Village discharged backwash effluent containing barium into a storm sewer without a permit and caused water pollution at its treatment facility located at McLean Boulevard and Spring Street, South Elgin, Kane County, Illinois, in violation of Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (f) (1998)) and 35 Ill. Adm. Code 309.102(a).

In addition to the complaint, on August 16, 2000, the parties filed a joint stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Courier-News* on August 21, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. The Village admits the allegations contained in count I, but denies the allegations contained in count II. The Village agrees to pay a civil penalty of \$16,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion and order constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and the Village of South Elgin, concerning its treatment facility located at McLean Boulevard and Spring Street, South Elgin, Kane County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. The Village shall pay the sum of \$16,000 within 30 days of the date of this order, that is, on or before October 21, 2000. Such payment shall be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the Village's site identification number 363830551 shall also be included on the certified check or money order and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

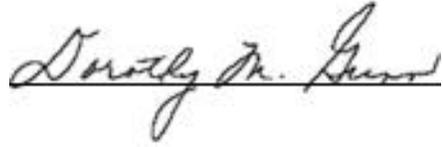
Kelly Cartwright
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 21st day of September 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board