

ILLINOIS POLLUTION CONTROL BOARD
January 5, 2012

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 12-59
) (Enforcement - Water)
VILLAGE OF CAVE IN ROCK, an Illinois)
municipal corporation, and MAIER'S TIDY)
BOWL, INC., an Illinois corporation,)
)
Respondents.)

ORDER OF THE BOARD (by T.A. Holbrook):

On October 24, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against the Village of Cave-in-Rock (Village) and Maier's Tidy Bowl, Inc. (MTB). The complaint concerns the Village's waste water treatment plant, which discharges treated municipal sewage into an unnamed tributary of the Ohio River pursuant to National Pollutant Discharge Elimination System Permit No. IL0055581. The plant is located in the east half of Section 14, Township 12 South, Range 3 East of the Third Meridian, Village of Cave-In-Rock, Hardin County.

The People and MTB previously filed a stipulation and proposed settlement, which the Board accepted in an order dated December 15, 2011. In a separate stipulation filed on December 23, 2011, the People and the Village now also seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People alleged that:

Count I: The Village and MTB violated Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) by causing or allowing the discharge of raw sewage into waters of the State so as to cause water pollution;

Count II: The Village violated Section 12(f) of the Act (415 ILCS 5/12(f) (2010)), Section 306.304 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 306.304), and NPDES Permit Conditions by allowing untreated sewage to overflow or bypass the lift station and sanitary sewer lines;

Count III: The Village and MTB violated Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) and Section 302.203 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 302.20) by allowing a discharge of black, odorous, raw sewage directly into the tributary, thereby causing color and odor of unnatural origin in the tributary;

Count IV: The Village violated Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) and Section 304.106 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 304.106) by causing or allowing a liquid discharge exhibiting a raw sewage odor from sanitary sewer lines across a parking lot and into the Ohio River, and both the Village and MTB violated Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) and Section 304.106 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 304.106) by causing or allowing a liquid discharge exhibiting obvious turbidity and a raw sewage odor to the tributary; and

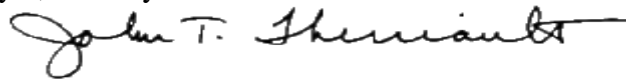
Count V: The Village violated Section 306.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 306.102(a)) by failing to maintain an operable backup pump at its lift station so as to minimize violations of applicable standards, and Section 12(a) of the Act (415 ILCS 5/12(a) (2010)) by causing, threatening, or allowing the discharge of raw sewage so as to violate Board regulations.

On December 23, 2011, the People and the Village 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Village does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$1,950.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk 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 January 5, 2012 by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board