

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO.</b>
	)	<b>(Enforcement)</b>
<b>CITY OF TOULON,</b>	)	
<b>an Illinois municipal corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, CITY OF TOULON, as follows:

**COUNT I**  
**REPORTING VIOLATIONS**

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2014).

2. The Illinois Environmental Protection Agency ("Illinois EPA") is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2014), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. The Board is an agency of the State of Illinois created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2014), and charged with the duty of promulgating regulations under the Act, pursuant to Section 26 of the Act, 415 ILCS 5/26 (2014).

4. Respondent, CITY OF TOULON ("TOULON"), is an Illinois municipal corporation located in Stark County, Illinois, duly organized and existing under the laws of the State of Illinois.

5. Respondent is the owner and operator of a wastewater treatment plant, ("WWTP"), located on Rural Route #1, City of Toulon, Stark County, Illinois.

6. On April 28, 2010 the Illinois EPA issued Respondent the National Pollutant Discharge Elimination System Permit No. IL0025054 ("NPDES Permit"), authorizing the discharge of wastewaters generated by the treatment processes of the public water supply and setting forth the terms and conditions for operating its WWTP.

7. A "person" is defined under Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), as follows:

"Person" is any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency or assigns.

8. A "contaminant" is defined under Section 3.165 of the Act, 415 ILCS 5/3.165 (2014), as follows:

"Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

9. Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

10. The Board's Monitoring and Reporting Regulations, 35 Ill. Adm. Code

305.102(a)-(b), provides the following:

- (a) Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. "Agency" means the Illinois Environmental Protection Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; information concerning the biological impact of the discharge as specified by the Agency, pursuant to Section 39 of the Act; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which are required to have a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310.
- (b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

11. Special Condition 9 of the NPDES Permit provides the following:

During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

12. Special Condition 10 of the NPDES Permit provides the following:

For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility...The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of...Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operations...The Permittee shall retain records of all sludge monitoring, and reports required by the Sludge Permit as referenced in Standard Condition 23 for a period of at least five (5) years from the date of this Permit.

13. Special Condition 11 of the NPDES Permit provides that following:

The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

14. Respondent failed to submit the Annual Fiscal Report by January 31, 2013, as required by Special Condition 9 of the NPDES permit.
15. Respondent failed to submit a Sludge Management Report by January 31, 2013, as required by Special Condition 10 of the NPDES permit.
16. Respondent failed to timely submit DMR Forms for the months of August 2012 through December 2012, as required in Special Condition 11 of the NPDES permit.
17. On March 14, 2013, the Illinois EPA issued a Violation Notice to Respondent, citing failure to submit DMR Forms and failure to submit the Annual Fiscal Report and Sludge Management Report in violation of its NPDES permit. The Illinois EPA did not receive a response to the Violation Notice from Respondent.
18. On July 23, 2013, the Illinois EPA sent a Notice of Intent to Pursue Legal Action ("NIPLA") letter to Respondent.
19. On August 26, 2013, the Illinois EPA received the Annual Fiscal Report and Sludge Management Report due on January 31, 2013.
20. On August 29, 2013, the Illinois EPA received DMR forms from Respondent for the months of August 2012 through December 2012.
21. As of the date of filing this complaint, Respondent has failed to submit the Annual Fiscal Report that was due in January 2014, as required in Special Condition 9.
22. As of the date of filing this complaint, Respondent has failed to submit the Sludge Management Reports due in July 2013, January 2014, and July 2014 as required in Special

Condition 10.

23. As of the date of filing this complaint, Respondent has failed to submit the DMR Forms that were due for the months of November 2013 through February 2014, as required in Special Condition 11.

24. By failing to submit the Reports and Forms required in Special Conditions 9, 10, and 11 of the NPDES Permit, Respondent violated Section 305.102(a) and (b) of the Board's Monitoring and Reporting Regulations, 35 Ill. Adm. Code 305.102(a)-(b).

25. By failing to submit the Reports and Forms required in Special Conditions 9, 10, and 11 of the NPDES Permit, and violating the Board's Monitoring and Reporting Regulations, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2014) and 35 Ill. Adm. Code 305.102(a)-(b).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an Order against Respondent, TOULON:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2014), and 35 Ill. Adm. Code 305.102(a) and (b);

C. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a)(2014) and 35 Ill. Adm. Code 305.102(a) and (b);

D. Assessing against Respondent a civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional penalty not to exceed Ten Thousand

Dollars (\$10,000.00) for each day during which each violation has continued thereafter, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2014);

E. Granting such other relief as this Board deems appropriate and just.

**COUNT II**  
**NPDES REPORTING VIOLATIONS**

1-23. Complainant realleges and incorporates herein by reference paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count II.

24. Section 12(f) of the Act, 415 ILCS 5/12(f) (2014), provides the following:

No person shall:

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

25. By failing to timely submit the Reports and Forms required in Special Conditions 9, 10, and 11 of the NPDES Permit, Respondent violated the terms or conditions imposed by the NPDES permit and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f)(2014).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an Order against Respondent, TOULON:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

- B. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f)(2014) and the terms or conditions imposed by the NPDES permit;
- C. Ordering Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f)(2014), and the terms or conditions imposed by the NPDES permit;
- D. Assessing against Respondent a civil penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation of the NPDES Permit and Section 12(f) of the Act, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1)(2014); and
- E. Granting such other relief as this Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN,  
Attorney General of the  
State of Illinois,

BY:   
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau/Springfield  
Assistant Attorney General

Of Counsel:

Brian J. Clappier  
ARDC # 6307721  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9034  
Dated: July 6, 2015

CERTIFICATE OF SERVICE

I hereby certify that on July 8th, 2015, via First Class Mail, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of Complaint to:

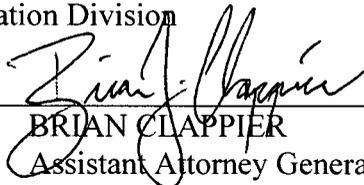
Mr. Larry E. Hollis  
Mayor of Toulon  
120 N. Franklin Street  
Toulon, IL 61483

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement Asbestos  
Litigation Division

BY:

  
BRIAN CLAPPIER

Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
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<b>Complainant,</b>	)	
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<b>CITY OF TOULON,</b>	)	
<b>an Illinois municipal corporation,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and CITY OF TOULON ("Respondent") ("Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2012), and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. Simultaneously with the filing of this Stipulation, a Complaint was filed on behalf

of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), against Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2012).

3. At all times relevant to the Complaint, Respondent was and is an Illinois municipal corporation that is authorized to transact business in the State of Illinois.

At all times relevant to the Complaint, Respondent owned and operated a wastewater treatment plant ("WWTP") facility located at Rural Route #1, City of Toulon, Stark County, Illinois (the "Site").

**B. Allegations of Non-Compliance**

Complainant contends that Respondent violated the following provisions of the Act and Board regulations:

Count I: Reporting Violations:  
Section 12(a) of the Act, 415 ILCS 5/12(a)(2012); 35 Ill. Adm. Code 305.102(a)-(b)

Count II: NPDES Reporting Violations:  
12(f) of the Act, 415 ILCS 5/12(f) (2012)

**C. Admission of Violations**

Respondent admits to the violations alleged in the Complaint filed in this matter and referenced in Section I.B above.

**D. Compliance Activities to Date**

Respondent has submitted all missing reports that were required under the terms of the NPDES permit, including missing Discharge Monitoring Reports, Sludge Management Reports, and Annual Fiscal Reports.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

**III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c)(2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such

pollution source; and

5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. By failing to document compliance with the NPDES Permit, Respondent failed to allow the Illinois EPA to monitor and confirm adherence to the terms of the NPDES permit.
2. There is economic and social value in the existence and operation of municipal wastewater treatment facilities.
3. Respondent's WWTP is suitable to its location as long as Respondent complies with the terms of the NPDES Permit.
4. Submission of the Reports required in the NPDES permit is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act, the Board Regulations, and the conditions of the NPDES Permit.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further

violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Sludge management reports, DMRs and annual fiscal reports were not timely submitted from August 2012 to February 2014.
2. Respondent showed diligence in returning to compliance by submitting all required Reports after meeting with Complainant in February 2015.
3. Any economic benefit attributable to the noncompliance would be minimal.
4. Complainant has determined that, based upon the specific facts of this matter, a penalty of Three Thousand Eight Hundred Eighty Eight Dollars (\$3,888) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.

8. Respondent did not submit potential terms for a proposed Compliance Commitment Agreement ("CCA").

## V. TERMS OF SETTLEMENT

### A. Penalty Payment

1. Respondent shall pay a civil penalty in the sum of Three Thousand Eight Hundred Eighty Eight Dollars (\$3,888.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

### B. Interest and Default

1. If Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

### C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

The name, case number and Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Brian Clappier  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**D. Future Compliance**

1. Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.
2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.
3. This Stipulation in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

**F. Release from Liability**

In consideration of Respondent's payment of the \$3,888.00 penalty, its commitment to cease and desist as contained in Section V.D. above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed simultaneously with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than Respondent.

**H. Enforcement and Modification of Stipulation**

1. Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**I. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

LISA BONNETT, Director  
Illinois Environmental Protection Agency

BY: Matthew J. Dunn  
MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

BY: [Signature]  
JOHN J. KIM  
Chief Legal Counsel

DATE: 7/6/15

DATE: 6/30/15

CITY OF TOULON

BY: [Signature]  
Name: Larry E. Hollis  
Title: Mayer  
DATE: 5-28-15

CERTIFICATE OF SERVICE

I hereby certify that on July 8th, 2015, via First Class Mail, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of Stipulation and Proposal for Settlement to:

Mr. Larry E. Hollis  
Mayor of Toulon  
120 N. Franklin Street  
Toulon, IL 61483

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement Asbestos  
Litigation Division

BY:

  
BRIAN CLAPPIER

Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

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<b>an Illinois municipal corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant is filing the initial Complaint in this matter and a Stipulation and Proposal for Settlement executed between Complainant and Respondent City of Toulon.

2. Section 31 of the Act, 415 ILCS 5/31 (2014), provides, in pertinent part, as follows:

\* \* \*

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for

hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

\* \* \*

3. No hearing is no scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2014).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

ELIZABETH WALLACE, Chief  
Environmental Bureau

BY:   
BRIAN CLAPPIER  
Assistant Attorney General  
Environmental Bureau, Springfield  
500 South Second Street  
Springfield, Illinois 62706  
217-782-9034  
Dated: July 6, 2015

CERTIFICATE OF SERVICE

I hereby certify that on July 8th, 2015, via First Class Mail, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of Motion for Relief from Hearing Requirement to:

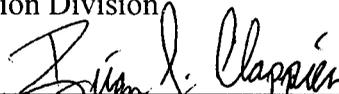
Mr. Larry E. Hollis  
Mayor of Toulon  
120 N. Franklin Street  
Toulon, IL 61483

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement Asbestos  
Litigation Division

BY:



BRIAN CLAPIER  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031