

ILLINOIS POLLUTION CONTROL BOARD  
January 7, 2021

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 21-48  
) (Enforcement – Water, NPDES)  
CITY OF MOUNT CARMEL, an Illinois )  
municipal corporation, )  
)  
Respondent. )

ORDER OF THE BOARD (by C.M. Santos):

On December 30, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the City of Mount Carmel (Mount Carmel). The complaint concerns Mount Carmel’s sewage treatment plant located at 125 South Division Street in Mount Carmel, Wabash County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2018); 35 Ill. Adm. Code 103.

In this case, the People allege that Mount Carmel violated Section 12(f) of the Act (415 ILCS 5/12(f) (2018)); Sections 305.102(b), 309.102(a), and 309.104(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 305.102(b), 309.102(a), 309.104(a)); and Special Conditions 5, 12, and 15 of its National Pollutant Discharge Elimination System (NPDES) permit. The People allege the Mount Carmel committed these violations by failing to timely apply for the reissuance of an NPDES permit; continuing to discharge wastewater into the Wabash River from its sewage treatment plant without timely applying for reissuance of its NPDES permit; by failing to submit timely and complete Discharge Monitoring Reports, Annual Fiscal Reports, and Biosolids Program Reports; and by continuing to discharge wastewater into the Wabash River from its sewage treatment plant without filing timely and complete reports. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

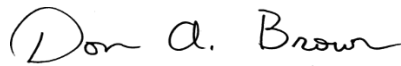
On December 30, 2020, simultaneously with the People’s complaint, the People and Mount Carmel filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2018)). This

filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Mount Carmel admits the alleged violations and agrees to pay a civil penalty of \$1,620 within 30 days after the Board accepts the parties' proposed settlement.

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 comment or demand for hearing within 30 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. *See* 415 ILCS 5/31(c)(2) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 7, 2021, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board