

ILLINOIS POLLUTION CONTROL BOARD
April 1, 2021

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

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

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. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State’s Attorneys may bring actions before the Board on behalf of the People to enforce Illinois’ environmental requirements. *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.

On December 30, 2020, the People and Mount Carmel filed a stipulation and proposed settlement. The parties also filed a motion for relief from the hearing requirement of Section 31(c)(1) of the Act¹ (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

¹ While the Board’s January 7, 2021 order accepting the complaint and directing the Clerk to publish notice of the proposed settlement referred to a motion for relief, the parties filed the motion separately on February 17, 2021.

without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Mt. Carmel Register* on February 19, 2021. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2018); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Mount Carmel's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2018)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Mount Carmel admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2018)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Mount Carmel agrees to pay a civil penalty of \$1,620 within 30 days after the date of this order. The People and Mount Carmel have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Mount Carmel must pay a civil penalty of \$1,620 no later than Monday, May 3, 2021, which is the first business day following the 30th day after the date of this order. Mount Carmel must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. Mount Carmel must submit payment of the civil penalty to:

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

Mount Carmel must send a copy of the certified check or money order and any transmittal letter to:

Brian Navarrete, Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office

500 South Second Street
Springfield, Illinois 62701

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. Mount Carmel must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

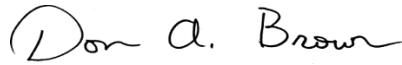
IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2018); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Brian Navarrete, Asst. Atty. General Environmental Bureau Illinois Attorney General's Office 500 South Second Street Springfield, Illinois 62701 bnavarrete@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov
Joshua Leopold, Assistant Counsel Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62702	
Joseph B. Judge, Mayor City of Mt. Carmel 631 N. Market St.	

Mt. Carmel, IL 62863 rudyw@cityofmtcarmel.com	
Rudy L. Witsman, City Clerk City of Mt. Carmel 631 N. Market St. Mt. Carmel, IL 62863	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 1, 2021, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board