ILLINOIS POLLUTION CONTROL BOARD July 8, 2021

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 21-118
)	(Enforcement – Water)
BEARDSTOWN SANITARY DISTRICT, an)	
Illinois limited liability company,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On June 25, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Beardstown Sanitary District (Beardstown). The complaint concerns Beardstown's property located at 1016 West 6th Street in Beardstown, Cass 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 Beardstown violated Section 12(f) of the Act, Section 309.104(a) of the Board Regulations, and Standard Condition 2 of NPDES Permit No. IL0025135 by failing to submit the permit renewal application by August 5, 2019 and by causing, threatening, or allowing discharges from point sources into a water of the State. 35 Ill. Adm. Code 309.104(a); 415 ILCS 5/12(f) (2018). The People further allege that Beardstown violated Section 12(a) of the Act by causing, threatening, or allowing the discharge of contaminants into the environment. 415 ILCS 5/12(a) (2018). 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 June 25, 2021, simultaneously with the People's complaint, the People and Beardstown 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, Beardstown admits the alleged violations and agrees to pay a civil penalty of \$5,670.00.

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 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 July 8, 2021, by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board