

ILLINOIS POLLUTION CONTROL BOARD

March 7, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-189
)	(Enforcement - Water)
FOX RIVER WATER RECLAMATION)	
DISTRICT, a body corporate,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On May 8, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against the Fox River Water Reclamation District (FRWRD). See 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that FRWRD violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and 12(f) (2000)) and Section 302.212(d)(2) of the Board's water pollution regulations (35 Ill. Adm. Code 302.212(d)(2)). The People further allege that the FRWRD violated these provisions by discharging ammonia-nitrogen to Norton Creek in excess of the Board's water quality standards and in excess of the FRWRD's National Pollutant Discharge Elimination System permit. The complaint concerns the FRWRD's Skyline Wastewater Treatment Plant (Skyline WWTP) at 106 Ramona Lane in unincorporated Valley View (near St. Charles), Kane County.

On January 29, 2002, the People and the FRWRD 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). 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 *Liberty Suburban Chicago Newspapers* on February 7, 2002. 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) (2000); 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. 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 FRWRD'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) (2000)). The People and FRWRD have satisfied Section 103.302. FRWRD denies the alleged violations but agrees to pay a civil penalty of \$20,000. 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. This includes all of the provisions listed in the following subsections of Section X of the stipulation and proposed settlement: Compliance Program, Force Majeure, Dispute Resolution, Civil Penalty, Stipulated Penalties, Cease and Desist, Right of Entry, and Release from Liability.
2. FRWRD must pay a civil penalty of \$20,000 no later than April 6, 2002, which is the 30th day after the date of this order. FRWRD 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 number, case name, and FRWRD's federal employer identification number must be included on the certified check or money order.
3. FRWRD must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. A copy of the certified check or money order must be sent to:

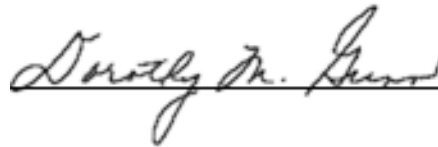
Zemeheret Bereket-Ab
Assistant Attorney General
Environmental Bureau
188 N. Randolph St., 20th Floor
Chicago, Illinois 60601
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
6. FRWRD must cease and desist from the alleged violations.

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) (2000); *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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 7, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board