

ILLINOIS POLLUTION CONTROL BOARD  
October 27, 1994

PEOPLE OF THE STATE	)	
OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 94-242
	)	(Enforcement)
CENTRAL LAKE COUNTY JOINT	)	
ACTION WATER AGENCY,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon a two-count complaint filed September 2, 1994, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois against Central Lake County Joint Action Water Agency located at 200 Rockland Road, in the City of Lake Bluff, Lake County, Illinois. The complaint alleges that Central Lake County Joint Action Water Agency has violated Sections 5/12(b) and 5/12(f) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/12(b)) and 35 Ill. Adm. Code §§ 309.202(a), 309.102(a) and 305.102(b) for operating and constructing a wastewater source without the proper permits and failure to comply with sampling and reporting requirements.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint Motion requesting relief from the Act's hearing requirement on September 2, 1994. The Board published a notice of the waiver on September 9, 1994; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on September 2, 1994. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Central Lake County Joint Action Water Agency admits the alleged violations and agrees to pay a civil penalty of ten thousand dollars (\$10,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and

conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Central Lake County Joint Action Water Agency, concerning its facility located at 200 Rockland Road, in the City of Lake Bluff, Lake County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Central Lake County Joint Action Water Agency, shall pay the sum of ten thousand dollars (\$10,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

A copy of the check shall be sent to:

Elizabeth Wallace  
Assistant Attorney General  
Environmental Control Division  
100 West Randolph St., 12th Floor  
Chicago, Il. 60601

The certified check or money order shall clearly indicate on its face, the Central Lake County Joint Action Water Agency's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Central Lake County Joint Action Water Agency shall

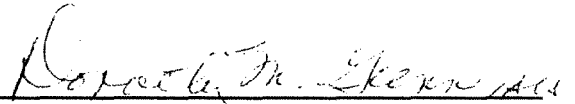
cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

J. Theodore Meyer Concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 27<sup>th</sup> day of October, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board