

ILLINOIS POLLUTION CONTROL BOARD
April 23, 1992

RESIDENTS OF CEDARVILLE)	
)	
Complainant,)	
)	
v.)	PCB 91-194
)	(Enforcement)
VILLAGE OF CEDARVILLE,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

On October 10, 1991, the Residents of Cedarville (Residents) filed a complaint against the Village of Cedarville (Village) alleging violation of the Board's combined sewer overflow regulations (i.e., 35 Ill. Adm. Code 306.102(a), 306.303, and 306.304) on three occasions. On March 27, 1992, the Village of Cedarville (Village) filed a motion requesting that the Board dismiss the case. The Residents of Cedarville (Residents) have not filed a response to the motion.

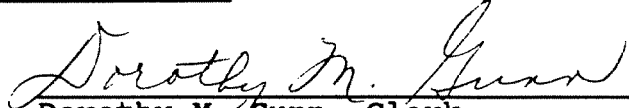
In its motion, the Village argues that the Board should dismiss this case because the Village is in substantial compliance with the Board's regulations and because the Board has held that enforcement actions are inappropriate where there is substantial compliance. Specifically, the Village claims that it has operated its sanitary sewer system for 15.5 years through August 19, 1990, with violations on only three days, and notes that this record constitutes a violation rate of .05 percent and a compliance rate of 99.95 percent. Finally, the Village, in its motion, states as follows:

[c]omplainants have executed and delivered to the Village their Releases for damages to Complainants arising out of the alleged incidents referred to in the Formal Complaint. Accordingly, the Complainants have waived their rights to bring the Formal Complaint.

The Board notes that the Village did not attach to its motion copies of the releases to which it refers. Accordingly, the Board directs the Village to provide the Board with copies of the releases. Also, the Board directs the Village to explain, in the context of the Environmental Protection Act, the relevancy of the releases to this enforcement action before the Board. Such information is to be received by the Board no later than May 18, 1992.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 23rd day of April, 1992 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board