

ILLINOIS POLLUTION CONTROL BOARD
June 17, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 99-93
) (Enforcement - Water)
SOUTH PALOS TOWNSHIP SANITARY)
DISTRICT, a municipal corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

On December 30, 1998, the Illinois Attorney General, on behalf of the People of the State of Illinois, filed a formal complaint naming as a respondent South Palos Township Sanitary District, a municipal corporation located in Cook County, Illinois. The complaint contains allegations that the respondent violated Section 12 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/12 (1996)) and 35 Ill. Adm. Code 306.304 and 309.202. Specifically, complainant alleges that the respondent caused or allowed water pollution, caused or allowed overflows from its sanitary sewer, and constructed a sewer connection without a proper permit from the Illinois Environmental Protection Agency.

On April 19, 1999, the parties filed a stipulation and proposal for settlement and a motion requesting relief from the hearing requirement of Section 31(c)(2) of the Act. Pursuant to Section 31(c)(2), the Board caused publication on April 21, 1999, of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver of the hearing requirement.

The stipulation and proposal for settlement sets forth facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent admits the violations and agrees to pay a civil penalty of \$4,000. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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 proposal for settlement executed by the People of the State of Illinois and by respondent, a municipal corporation located in Cook County, Illinois. The stipulation and proposal for settlement is incorporated by reference as if fully set forth herein.
2. The respondent shall pay a civil penalty of \$4,000 within 30 days of the date of this order.¹ Such payment shall be made by certified check or money order and shall be payable to the Treasurer of the State of Illinois, designated for deposit in the Environmental Protection Trust Fund. The case number, case name, and respondent's social security number or federal employer identification number shall also be included on the check or money order.
3. The check or money order shall be sent by first class mail to:

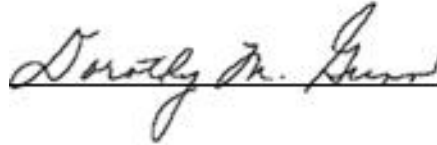
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Any such penalty not paid within the time prescribed shall accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a)), 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.
5. The respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

¹ Since the thirtieth day falls on a Saturday, payment of the civil penalty is due on the following Monday, July 19, 1999. See 35 Ill. Adm. Code 101.109.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 17th day of June 1999 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