

ILLINOIS POLLUTION CONTROL BOARD  
February 6, 1997

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 96-133
	)	(Enforcement - Water)
VILLAGE OF TILTON,	)	
	)	
Respondent.	)	
	)	

OPINION AND ORDER OF THE BOARD (by J.Yi):

This matter comes before the Board upon a four-count complaint filed December 19, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency (Agency) and the People of the State of Illinois (Complainant), against the Village of Tilton (Tilton) located in Vermilion County, Illinois. The complaint alleges that Tilton has violated Sections 3.56, 12(a) and 12(f) of the Illinois Environmental Protection Act (415 ILCS 5/3.56, 12(a), and (f) (1994)) and 35 Ill. Adm. Code 302.203 304.105, and 304.106 for allowing sludge to discharge from its waste water treatment facility into a tributary of the Vermilion River and for failing to provide the Agency with advance notice of planned changes to its waste water treatment facility.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Illinois Environmental Protection Act's hearing requirement on December 23, 1996. The Board published a notice of the waiver on January 1, 1997; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and agreement also on December 23, 1996. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Tilton denies the complainant's allegations of liability. Tilton agrees to pay a civil penalty of one thousand dollars (\$1,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects Tilton'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 the Village of Tilton, concerning its facility located in Vermilion County, Illinois. The stipulation and settlement agreement are incorporated by reference though fully set forth herein.
- 2) Tilton shall pay the sum of one thousand dollars (\$1,000.00) 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

The certified check or money order shall clearly indicate on its face, Tilton's Federal Employment Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

Any such payment 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 of payment is due until the date the payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Tilton shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board