

ILLINOIS POLLUTION CONTROL BOARD

August 7, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
) PCB 97-236  
VILLAGE OF BARTLETT, ) (Enforcement - Water)  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a six-count complaint filed June 26, 1997, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against the Village of Bartlett located in Cook, Kane, and DuPage Counties, Illinois, regarding its wastewater treatment facilities located in DuPage County, Illinois. The complaint alleges that the Village of Bartlett violated Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (1996)) and 35 Ill. Adm. Code 304.121(a), 304.141(a), 305.102(a), (b), and 309.102(a) and standard conditions 1 and 19 of its National Pollutant Discharge Elimination System (NPDES) permit by failing to report and sample effluent discharge, by causing or allowing the violation of NPDES effluent limits, by falsely reporting effluent discharge, and by violating the general effluent standards for fecal coliform.

On June 26, 1997, the parties filed a stipulation and settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the waiver of hearing on June 27 and 30, 1997, and July 3, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and settlement agreement sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. The Village of Bartlett denies the alleged violations and agrees to pay a civil penalty of \$25,000.

The Board finds the stipulation and settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects the Village of Bartlett's responsibility 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 settlement agreement executed by the People of the State of Illinois and the Village of Bartlett located in Cook, Kane, and DuPage Counties, Illinois, regarding its wastewater treatment facilities located in DuPage County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. The Village of Bartlett shall pay the sum of \$25,000 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  
1021 N. Grand Avenue East  
Springfield, IL 62702

The certified check or money order shall clearly indicate on it the Village of Bartlett's federal employer identification number 36-6005784 and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by first class mail to:

Alyssa L. Fron  
Assistant Attorney General  
Environmental Bureau  
Attorney General's Office  
100 West Randolph Street, 11<sup>th</sup> Floor  
Chicago, IL 60601

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), 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.

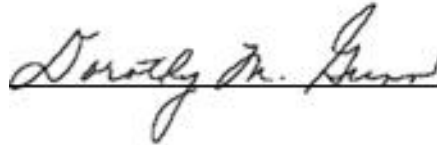
3. The Village of Bartlett shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection 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 145 Ill. 2d R. 335; 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 7th day of August 1997, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board