

ILLINOIS POLLUTION CONTROL BOARD
March 5, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-97
) (Enforcement - Water)
VILLAGE OF THOMPSONVILLE,)
a municipal corporation,)
)
Respondent.)

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

This matter comes before the Board on a two-count complaint filed on November 3, 1995, by the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois, against the Village of Thompsonville, a municipal corporation (respondent), located in Franklin County, Illinois. The complaint alleges that respondent violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(f) (1994)), and 35 Ill. Adm. Code 302. 212(a), 304.120(c), and 305.102(b) by having caused or allowed water pollution and failing to comply with National Pollutant Discharge Elimination System permit conditions.

On January 28, 1998, the parties filed a stipulation and settlement agreement, and a joint motion requesting relief from the hearing requirement pursuant to Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the request for waiver on January 30, 1998. The Board did not receive any objections to the granting of the waiver. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondent neither admits nor denies the alleged violations, but agrees to pay a total civil penalty of \$1,000.

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 regulations.

This opinion constitutes the Board's finding 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 Village of Thompsonville, a municipal corporation (respondent), located in Franklin County, Illinois. The stipulation and settlement agreement is incorporated by reference as fully set forth herein.
2. Respondent shall pay the sum of \$1,000 within 30 days of the date of this order. Such payment shall be made by certified check payable to the Treasurer of the State of Illinois, for deposit into the Illinois 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, Illinois 62702

The certified check shall clearly indicate on its face respondent's federal employer identification number, and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and check shall be simultaneously submitted to:

Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

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 (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. Respondent 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 5th day of March 1998 by a vote of 5-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board