## ILLINOIS POLLUTION CONTROL BOARD March 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
V.	)	PCB 05-8
	)	(Enforcement – Water)
VILLAGE OF CAPRON,	)	
	)	
Respondent.	)	

## OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On July 20, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against the Village of Capron (Village). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that the Village violated Section 18(a)(2) of the Environmental Protection Act (Act) (415 ILCS 5/18(a)(2) (2002)) and 35 Ill. Adm. Code 611.882 and 611.885. The People further allege that the Village violated these provisions by failing to prepare and distribute consumer confidence reports. The complaint concerns the Village's municipal potable water supply and distribution in Capron, Boone County.

On January 27, 2005, the People and the Village filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 III. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Belvidere Republican* on February 4, 2005. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2000); 35 III. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of the Village's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and the Village have satisfied Section 103.302. The Village admits the alleged violations and agrees to pay a civil penalty of \$1,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

## **ORDER**

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. The Village of Capron must pay a civil penalty of \$1,000 no later than April 4, 2005, which is the 30th day after the date of this order. The Village of Capron must pay the civil penalty by certified check or money order, payable to Environmental Protection Trust Fund. The case number, case name, and the Village of Capron's federal employer identification number must be included on the certified check or money order.
- 3. The Village of Capron must send the certified check or money order to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

A copy of the certified check or money order must be sent to:

Christopher Grant Assistant Attorney General Environmental Bureau 188 W. Randolph, 20th Floor Chicago, IL 60601

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
- 5. The Village of Capron must cease and desist from the alleged violations.

## IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 3, 2005, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board