ILLINOIS POLLUTION CONTROL BOARD
February 2, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-133
	)	(Enforcement - Land, Water)
CITY OF FLORA, an Illinois municipal corporation,	)	
	)	
	)	
Respondent.	)	

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

On January 18, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the City of Flora. *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. Accompanying the complaint was a stipulation and proposal for settlement. The complaint concerns the City of Flora's 121-acre municipal No. 2 landfill off Route 1 South in the northeast quarter of Section 2, Township 2 North, Range 2 East, in Harter Township, Clay County.

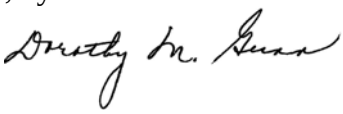
The People allege that the City of Flora violated Section 12(a) 21(d)(1), (d)(2), and (e) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) 21(d)(2) and (e) (2004)) and 35 Ill. Adm. Code 620.115, 620.420(a), 620.405, 745.181, 807.302, 807.305, 807.306, 807.311, 807.502, and 807.508. The People further allege that the City of Flora violated these provisions by (1) violating final cover requirements; (2) allowing litter to accumulate; (3) causing or allowing the open burning of vegetation; (4) failing to have a designated operator; (5) failing to close in a manner that minimizes the need for further maintenance; (6) failing to submit an affidavit of closure by a professional engineer; (7) failing to comply with various special conditions to its operating permits that relate to groundwater quality; (8) violating various groundwater quality standards; and (9) causing or allowing contaminants in the groundwater.

The January 18, 2006 stipulation and proposed settlement was accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the City of Flora admits the alleged violations and agrees to pay a civil penalty of $9,600.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 2, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board