

ILLINOIS POLLUTION CONTROL BOARD

November 2, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-3
	)	(Enforcement – Public Water Supply)
LAKE EGYPT WATER AND	)	
WASTEWATER DISTRICT,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by T.E. Johnson):

On July 6, 2005, complainant, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against respondent, Lake Egypt Water and Wastewater District (District). The complaint concerns the District's water filtering and purification plant at 11484 Lake of Egypt Road in Marion, Williamson County. The parties now seek to settle without a public hearing.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that the District violated the Act (415 ILCS 5/18 (2004)) and the Board's regulations on primary drinking water standards (35 Ill. Adm. Code 611.383(d), 611.385) by failing to demonstrate that total organic carbon (TOC) removal ratio levels either complied with Step 1 TOC% removal requirements or met alternative compliance criteria.

On September 11, 2006, the People and the District 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) (2004). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the District does not admit the alleged violations, but agrees to pay a civil penalty of \$6,400.

The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Marion Daily Republican* on October 3, 2006. 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) (2002); 35 Ill. 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 respondents' 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) (2004)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

As previously stated, the District does not admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$6,400. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004), *as amended by* P.A. 93-575, (eff. Jan. 1, 2004), which may mitigate or aggravate the civil penalty amount. The People determined that a civil penalty of \$6,400 was appropriate.

The People and the District have satisfied Section 103.302. 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. Lake Egypt Water and Wastewater District (District) must pay a civil penalty of \$6,400 on or before December 4, 2006, the first business day following 30 days from the date of this order.
3. The District must pay the civil penalty by certified check, money order or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' federal employer identification or social security numbers must be included on the certified check or money order. If submitting an electronic funds transfer to the Agency, the electronic funds transfer must be made in accordance to the specific instructions provided to respondents.
4. The District must submit the certified check, money order or electronic funds transfer to:
 

Illinois Environmental Protection Agency  
 Fiscal Services Section  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276
5. A copy of the certified check, money order or record of the electronic funds transfer and any transmittal letter must be sent to the following:

Ms. Kristen Laughridge Gale

Assistant Attorney General  
 Environmental Bureau  
 500 South Second Street  
 Springfield, Illinois 62702

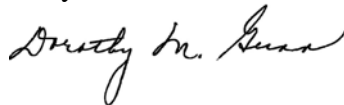
Mr. Thomas Andryk  
 Assistant Counsel  
 Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 35 ILCS 5/1003(a) (2004).
7. The District 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) (2004); *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 order on November 2, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board