

ILLINOIS POLLUTION CONTROL BOARD
 March 15, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-79
)	(Enforcement - Water)
CITY OF GILLESPIE, a municipal)	
corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by A.S. Moore):

On November 18, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against the City of Gillespie (the City). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that the City violated Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (2004)) and Section 305.102(b) of the Board’s water pollution regulations (35 Ill. Adm. Code 305.102(b)). The People further allege that the City violated these provisions from December 2003 through December 2004 by failing to submit timely monthly Discharge Monitoring Reports to the Illinois Environmental Protection Agency as required by the City’s National Pollutant Discharge Elimination System permit. The complaint concerns a municipal wastewater treatment plant owned and operated by the City.

On February 7, 2007, the People and the City 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)). See 35 Ill. 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 *South County News* on February 15, 2007. 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) (2004); 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 City’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) (2004)). The People and the City have satisfied Section 103.302. The City admits the alleged violations and agrees to pay a civil penalty of \$2,000. The City also agrees to perform a Supplemental Environmental Project (SEP) by making a \$5,000 grant to the Gillespie Soccer Association to fund a project intended to reduce or eliminate erosion and leaching at the Little Dog Coal Mine site now owned and operated by the soccer association. The Board accepts the stipulation and proposed settlement.

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

ORDER

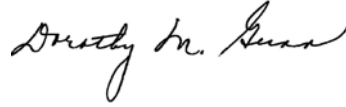
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The City must pay a civil penalty of \$2,000 no later than Monday, April 16, 2007, which is the first business day after the 30th day after the date of this order. The City must pay the civil penalty by certified check, money order, or electronic funds transfer payable to the Illinois Environmental Protection Agency and designated to the Illinois Environmental Protection Trust Fund. The case number, case name, and the City's social security number or federal employer identification number must be included on the certified check or money order.
3. The City 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
4. 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)).
5. The City must perform an SEP by making a \$5,000 grant to the Gillespie Soccer Association for securing the Little Dog Coal Mine site no later than Monday, May 14, 2007, the 60th day after the date of this order.
5. The City 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 opinion and order on March 15, 2007, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board