## ILLINOIS POLLUTION CONTROL BOARD October 18, 2007

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 08-28
	)	(Enforcement - Water)
CITY OF JERSEYVILLE, an Illinois	)	
municipal corporation,	)	
	)	
Respondent.	)	

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

On October 2, 2007, 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 Jerseyville, an Illinois municipal corporation (Jerseyville). The complaint concerns Jerseyville's water main replacement project construction site, located at the corner of Union Forest Road and Pump Station Road, approximately three miles northwest of Otterville.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that Jerseyville violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a), (f) (2006)) and Sections 309.102(a), 309.103, and 309.243 of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a), 309.103, 309.243) by causing or allowing the discharge of silt from the construction site into waters of the State so as to cause or tend to cause water pollution and by causing or allowing or threatening the discharge of contaminants into the waters of the State without a National Pollutant Discharge Elimination System (NPDES) permit. The Board accepts the complaint. *See* 35 Ill. Adm. Code 103.204.

On October 2, 2007, the People and Jerseyville also 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, Jerseyville admits the alleged violations and agrees to pay a civil penalty of \$1,080.

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. See 415 ILCS 5/31(c)(2) (2006); 35 III. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 18, 2007, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board