ILLINOIS POLLUTION CONTROL BOARD March 20, 2008

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 08-27
) (Enforcement – Public Water Supply)
CITY OF HOMETOWN, an Illinois municipal	1)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by N.J. Melas):

On November 20, 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 Hometown (respondent). Hometown is located approximately eight miles southwest of downtown Chicago, Cook County, and is a satellite water supply that purchases finished Lake Michigan water from the City of Chicago. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

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. The two-count complaint concerns Hometown's two "meter vaults," a primary meter vault located at 87th Street and Kostner Avenue and another meter vault located at 87th Street and Rumsey Avenue in Hometown, Cook County. According to the complaint, the water flows from these two locations to Hometown's residents. The People first allege that Hometown violated Section 1 of the Public Water Supply Operations Act (415 ILCS 45/1 (2006))¹ by not having a certified operator responsible for its public water supply over a period of time in 2005 and 2006. The People also allege respondent failed to designate and notify the Illinois Environmental Protection Agency of the identity of a certified operator responsible for its public water supply, in violation of Section 18(a) of the Act, 415 ILCS 5/18(a)(2) (2006) and 35 Ill. Adm. Code Sections 603.102, 603.103(a), and 603.105(b) of the Board's rules.

Authority is hereby vested in the Illinois Pollution Control Board to conduct hearings on complaints charging that any public water supply owner, owner's manager or agent, official custodian, municipal, state or other official has violated or aided and abetted the violation of Section 1 of this Act, or has refused or neglected to comply with any order issued by the Director, as herein provided for. Based on the determinations of the Illinois Pollution Control Board, the violator shall be penalized by the Illinois Pollution Control Board not less than \$100.00 nor more than \$1000.00 for each offense. 415 ILCS 45/23 (2006).

¹ Section 23 of the Public Water Supply Operations Act provides:

On March 5, 2008, the People and respondent 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, the respondent admits the alleged violations and agrees to pay a civil penalty of \$1,000.

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 Ill. 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 March 20, 2008, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board