ILLINOIS POLLUTION CONTROL BOARD May 1, 2008

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)	PCB 07-134 (Enforcement - Water)
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ORDER OF THE BOARD (by G.T. Girard):

On June 8, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against the Village of Rockton (Rockton). The complaint concerns Rockton's wastewater treatment plant, including the Hawick lift station, located on the 200 block of Hawick Street, Rockton, Winnebago County. 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. In this case, the People allege that Rockton violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2006)) and Sections 306.102, 306.304, and 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 306.102, 306.304, 309.102(a)). The People allege that Rockton violated these provisions by (1) discharging untreated sewage into the Rock River, causing or allowing water pollution; (2) discharging untreated sewage from a storm sewer outfall without a National Pollutant Discharge Elimination System (NPDES) permit authorizing the discharge; (3) failing to provide a duplicate power source and failing to operate the Hawick lift station so as to prevent a discharge of untreated sewage; and (4) allowing the overflow of the sanitary sewer at the Hawick lift station out into a bypass pipe, discharging untreated sewage to the Rock River.

On April 11, 2008, the People and Rockton 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, Rockton does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$7,514.

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 May 1, 2008, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board