## ILLINOIS POLLUTION CONTROL BOARD May 15, 2008

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

On May 12, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the Village of Skokie (Skokie). The complaint concerns the construction of water mains at two projects, one located at Old Orchard Road and Woods Drive (Optima Project), the other located at 9408 Skokie Boulevard (Siena Project). Both the Optima Project and the Siena Project are located in Skokie, Cook County. Also on May 12, 2008, the parties filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and 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 Skokie was at all relevant times the owner, operator, and legal custodian of the Village of Skokie's public water supply, including the public water main and distribution system. Count I of the complaint alleges that by failing to submit construction permit applications with sufficient details or supplemental data as requested by the Illinois Environmental Protection Agency (Agency), and by failing to obtain a permit from the Agency for the construction of water mains at the Optima Project prior to beginning construction, Skokie violated Sections 15(a) and 18(a) of the Act (415 ILCS 5/15(a), 18(a) (2006)) and 35 Ill. Adm. Code 602.101(a) and 652.101(a). Count II alleges that by failing to submit construction permit applications with sufficient details or supplemental data as requested by the Agency, and by failing to obtain a permit from the Agency for the construction of water mains at the Siena Project prior to beginning construction, Skokie violated Sections 15(a) and 18(a) of the Act (415 ILCS 5/15(a), 18(a) (2006)) and 35 Ill. Adm. Code 602.101(a) and 652.101(a). The Board finds that the complaint meets the content requirements of the Board's procedural rules. See 35 Ill. Adm. Code 103.204(c), (f).

As noted above, on May 12, 2008, the People and Skokie 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, Skokie neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$25,000.

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 May 15, 2008, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board