## ILLINOIS POLLUTION CONTROL BOARD July 10, 2008

| PEOPLE OF THE STATE OF ILLINOIS,   | )      |                       |
|------------------------------------|--------|-----------------------|
| Complainant,                       | )<br>) |                       |
| V.                                 | ) )    | PCB 08-100            |
| CITY OF GENEVA,                    | )      | (Enforcement – Water) |
| an Illinois municipal corporation, | )      |                       |
| Respondent.                        | )      |                       |

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

On June 25, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against the City of Geneva, an Illinois municipal corporation (Geneva). The complaint concerns Geneva's construction and installation of a water main at 429 North Kirk Road, Geneva, Kane County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint as meeting the content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Code 103.204(c), (f). The Board further 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 Geneva violated Sections 15(a), 18(a)(2), and 18(a)(3) of the Act (415 ILCS 5/15, 18(a)(2), (3) (2006)), and Sections 602.101(a) and 652.101(a) of the Illinois public water supply regulations (35 Ill. Adm. Code 602.101(a), 652.101(a)). The People allege that Geneva violated these provisions by (1) failing to obtain written approval from the Illinois Environmental Protection Agency (Agency) before starting the construction of the water main; (2) failing to obtain a construction permit from the Agency before constructing and installing the water main; (3) causing or allowing a change of or addition to an existing public water supply without a permit granted by the Agency; and (4) altering, changing, or adding to an existing community water supply that may affect the adequacy of the water supply without a permit issued by the Agency. The Board accepts the complaint. *See* 35 Ill. Adm. Code 103.204.

On June 25, 2008, the People and Geneva 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 the 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, Geneva admits to the alleged violations and agrees to pay a civil penalty of \$5,000.

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 July 10, 2008, by a vote of 4-0.

In T. Thereian

John Therriault, Assistant Clerk Illinois Pollution Control Board