ILLINOIS POLLUTION CONTROL BOARD September 30, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PC
)	(E
CARLYLE NORTH WATER COMPANY,)	
INC.,)	
)	
Respondent.)	

PCB 07-148 (Enforcement – Water)

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

On June 28, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Carlyle North Water Company, Inc. (Carlyle North). The complaint concerns Carlyle North's water supply facility at Carlyle and Keyesport in Clinton County. The People and Carlyle North now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection 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; *see also* 415 ILCS 45/23 (2006) (authority of Board to hear complaints alleging violations of Public Water Supply Operations Act). In this case, the People allege that, at various times beginning in 2004, Carlyle North violated Sections 15, 18, and 19 of the Environmental Protection Act (415 ILCS 5/15, 18, 19 (2006)), Section 1 of the Public Water Supply Operations Act (415 ILCS 45/1 (2006)), and Sections 602.101, 603.102, 611.521, 611.831, 652.101, 653.605, and 653.704 of the public water supply regulations (35 Ill. Adm. Code 602.101, 603.102, 611.521, 611.831, 652.101, 653.605, 653.704). The People further allege that Carlyle North violated these provisions by constructing and installing a water main and flush hydrant without a construction permit, failing to have a certified operator for some nine months, and failing to maintain and submit records (including one coliform sample report, and from October 2004 to the present, monthly operating reports, and monthly operating records for chlorination and fluoride).

On September 19, 2008, the People and Carlyle North 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 Environmental Protection 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, Carlyle North neither admits nor denies the alleged violations but agrees to pay a civil penalty in the amount of \$3,713.

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 September 30, 2008, by a vote of 4-0.

In T. Thereaut

John Therriault, Assistant Clerk Illinois Pollution Control Board