## ILLINOIS POLLUTION CONTROL BOARD July 23, 2009

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 09-47
•	)	(Enforcement - Water)
BIRDS PINKSTAFF WATER DISTRICT,	)	
an Illinois not-for-profit corporation,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by G.L. Blankenship):

On January 9, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Birds Pinkstaff Water District (BPWD). The complaint concerns BPWD's Public Water System¹ located in Lawrence County, Illinois. 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 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that BPWD violated Section 18 of the Act (415 ILCS 5/18 (2008)) and Sections 611.121, 611.301, and 611.325 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 611.121, 611.301, and 611.325) by exceeding the Maximum Contaminant Level (MCL) for arsenic from April 1, 2006 through September 2007. The People further allege that by having a presence of coliforms in the water supply, BPWD violated Section 18 of the Act (415 ILCS 5/18 (2008)).

On June 17, 2009, the People and BPWD 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, BPWD admits the alleged violations and agrees to pay a civil penalty of \$1,620.

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<sup>&</sup>lt;sup>1</sup> A Public Water System, as defined under Section 611.101 of the Board's Public Water Supplies Regulations, is a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS).

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) (2008); 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 23, 2009, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board