

ILLINOIS POLLUTION CONTROL BOARD
August 20, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-15
)	(Enforcement - Water)
VILLAGE OF KINSMAN, a municipal)	
corporation,)	
)	
Respondent.)	

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

On August 13, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Village of Kinsman, a municipal corporation (Kinsman). See 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. Accompanying the complaint was a stipulation and proposal for settlement. The complaint concerns Kinsman’s municipal public water supply located in Kinsman, Grundy County. The parties now seek to settle 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.

The People allege that Kinsman violated Sections 18(a)(1) and (a)(2) of the Environmental Protection Act (Act)¹ (415 ILCS 5/18(a)(1), (a)(2) (2008)) and Sections 601.101 and 611.330(b) of the Board’s public water supply regulations (35 Ill. Adm. Code 601.101, 611.330(b)). The People further allege that Kinsman violated these provisions by having a radium level higher than the maximum containment level of 5 picocuries per liter. The Board finds that the complaint meets the content requirements of the Board’s procedural rules and accepts the complaint for hearing. See 35 Ill. Adm. Code 103.204(c), (f), 103.212(c).

On August 13, 2009, the People and Kinsman 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, Kinsman admits the alleged violations and agrees to pay a civil penalty of \$376.34.

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

¹ All citations to the Act will be to the 2008 compiled statutes, because the provisions at issue have not been substantively amended in the 2008 compiled statutes.

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 August 20, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board