ILLINOIS POLLUTION CONTROL BOARD October 1, 2009

Complainant, v. V. PCB 09-104 (Enforcement - Water VILLAGE OF ROCKTON, an Illinois) municipal corporation, Respondent.)	PEOPLE OF THE STATE OF ILLINOIS,)	
v.) PCB 09-104) (Enforcement - Water VILLAGE OF ROCKTON, an Illinois) municipal corporation,)	Complainant)	
VILLAGE OF ROCKTON, an Illinois municipal corporation,) (Enforcement - Water))	Complamant,)	
VILLAGE OF ROCKTON, an Illinois) municipal corporation,)	v.)	PCB 09-104
municipal corporation,))	(Enforcement - Water)
	VILLAGE OF ROCKTON, an Illinois)	
Respondent.)	municipal corporation,)	
Respondent.)	
	Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On April 30, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against the Village of Rockton (respondent). See 415 ILCS 5/31(c)(1) (2008); 35 Ill. Adm. Code 103.204. The complaint concerns respondent's River Street lift station located along the Rock River in Rockton, which is part of the operations of respondent's waste water treatment plant (WWTP). The WWTP is located at 718 West Union Street in Rockton, Winnebago County. 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 respondent violated Section 12(a) of the Act (415 ILCS 5/12(a) (2008)) and Sections 306.102(a), 306.102(b), and 306.304 of the Board's water pollution regulations (35 Ill. Adm. Code 306.102(a), 306.102(b), and 306.304). The People further allege that respondent violated these provisions by causing, threatening, or allowing the discharge of untreated sewage into the Rock River, thereby causing, threatening, or allowing water pollution (count I); failing to provide a reliable alarm system at the lift station (count II); and failing to control sanitary sewer overflow (count III).

On September 28, 2009, the People and respondent 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, respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$10,000.

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) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

Finally, the Board notes that while count II of the complaint sets forth an allegation that respondent violated 35 Ill. Adm. Code 306.102(b), the statement of alleged violations in the stipulation and proposed settlement does not include this allegation. *See* Stipulation at 4. The Board therefore directs that an amended complaint or an amended stipulation and proposed settlement be filed to address this inconsistency.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 1, 2009, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board

John T. Therriant