ILLINOIS POLLUTION CONTROL BOARD November 19, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
•)	PCB 09-104
V.)	(Enforcement - Water)
VILLAGE OF ROCKTON, an Illinois)	
municipal corporation,)	
)	
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 seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' amended stipulation and 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), 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 allowing a sanitary sewer overflow (count III).

On September 28, 2009, the People and Rockton 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)). On October 1, 2009, the Board issued an order noting that the alleged violation of 35 III. Adm. Code 306.102(b) from count II of the complaint was not included in the stipulation. To address the inconsistency, the Board directed that an amended complaint or an amended stipulation and proposed settlement be filed.

On October 20, 2009, the People filed an amended stipulation and proposed settlement, accompanied by another 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 III. Adm. Code 103.300(a). The request for relief states that the amendment to the stipulation "seeks to reconcile the differences between the Complaint and the original Stipulation by citing the identical violations in Section I.B. of the Stipulation as alleged in Count II of the Complaint." Request at 1. Under the amended stipulation, which includes the alleged violation of 35 III. Adm. Code 306.102(b) from count II, 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 amended stipulation and proposed settlement and accompanying 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.

Board Member C.K. Zalewski abstained.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 19, 2009, by a vote of 4-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board

John T. Therrian