

ILLINOIS POLLUTION CONTROL BOARD  
May 6, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 10-94
	)	(Enforcement - Land)
GARY L. PENRITH,	)	
	)	
Respondents.	)	

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

On April 29, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Gary L. Penrith (respondent). The complaint concerns respondent's wastewater treatment plant at located on the southeast corner of the intersection of US. Highway 41 and W. Wadsworth Road, Wadsworth, Lake County. Accompanying the complaint was a stipulation, proposed settlement, and request for relief from the hearing requirements. For the reasons below, the Board accepts the complaint as meeting the applicable content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Code 103.204. The Board further 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 Sections 12(a) and (f) of the Act (415 ILCS 5/12(a) and (f) (2008)) and Section 312.101 of the Board regulations (35 Ill. Adm. Code 312.101). The People allege that respondent violated these provision by failing to comply with monitoring and reporting requirements and failing to comply with operator requirements. 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 April 29, 2010, the People and respondent also 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) (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, respondent neither admits or denies the alleged violations and agrees to pay a civil penalty of \$5,000. 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.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 6, 2010, 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.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board