

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 13-23
)	(Enforcement - Water)
VILLAGE OF PINGREE GROVE, an Illinois)	
municipal corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.A. Holbrook):

On November 26, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the Village of Pingree Grove (respondent). The complaint concerns respondent’s wastewater treatment plant located at 500 Water Street in Pingree Grove, Kane County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 309.202(a) and 309.203(a) of the Board’s Water Pollution Regulations (35 Ill. Adm. Code 309.202(a) and 309.203(a)) and Section 12(b) of the Act (415 ILCS 5/12(b) (2010)) by causing or allowing the construction of new treatment works and sewer without a construction permit issued by the Illinois Environmental Protection Agency (Agency); constructing equipment designed to prevent water pollution without a permit granted by the Agency; causing or allowing the use or operation of a treatment works and sewer without an operating permit issued by Illinois EPA; and operating equipment designed to prevent water pollution without obtaining an operating permit from Illinois EPA. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On November 26, 2012, simultaneously with the People’s complaint, 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, the respondent admits the alleged violations and 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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2012 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 T. Therriault, Assistant Clerk
Illinois Pollution Control Board