## ILLINOIS POLLUTION CONTROL BOARD December 6, 2012

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 11-53
VILLAGE OF SPRING GROVE,	)	(Enforcement - Water)
Respondent.	)	

ORDER OF THE BOARD (by C.K. Zalewski)

On February 23, 2011, 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 Spring Grove (Spring Grove). The complaint concerns Spring Grove's Sewage Treatment Plant (STP) located at 3001 Industrial Drive in Spring Grove, McHenry 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 (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 Spring Grove violated: (1) Section 304.140(a) of the Board's water pollution regulations (35 Ill. Adm. Code 304.140(a)) by exceeding Spring Grove's National Pollutant Discharge Elimination System (NPDES) permit monthly average and daily maximum limits for ammonia nitrogen during the months of January, February, and March 2009, and Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2010)) by discharging ammonia nitrogen into waters of the State in excess of the limitations set forth in the NPDES permit in violation of Section 304.140(a) (count I); (2) Section 305.102(b) of the Board's water pollution regulations (35 Ill. Adm. Code 305.102(b)) and thereby Section 12(f) of the Act by failing to comply with the reporting requirement of Standard Condition No. 12(e) of Spring Grove's NPDES permit (count II); and (3) Section 12(f) of the Act by failing to comply with the wastewater characterization requirement of Special Condition No. 14 of Spring Grove's NPDES permit (count III).

On November 29, 2012, the People and respondents 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, respondent does not affirmatively admit to the alleged violations, but agrees to pay a civil penalty of \$4.000.00.

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.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board