ILLINOIS POLLUTION CONTROL BOARD March 21, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 13- 47
v.)	(Enforcement - Water)
CITY OF CARLINVILLE,)	
an Illinois municipal corporation,)	
)	
Respondent.)	

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

On March 6, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against City of Carlinville (respondent). The complaint concerns respondent's sewage treatment plant (STP) located at 1345 South Mayo Street, Carlinville, Macoupin 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 Section 12(a) and 12(f) of the Act (415 ILCS 5/12(a), (f) (2010)), Sections 304.106, 306.102(a), 306.304, and 306.305(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 304.106, 306.102(a), 306.304, 306.305(a)), and terms and conditions of National Pollution Discharge Elimination System (NPDES) Permit No. IL0022675.

The People allege respondent committed these violations by 1) allowing an untreated dry weather discharge which does not meet the applicable effluent standards to occur from Discharge 002, an untreated combined sewer overflow outfall from the STP; 2) causing, threatening or allowing an untreated dry weather discharge into the environment so as to cause or tend to cause water pollution or so as violate the Board's regulations or standards; 3) failing to operate the STP in such a manner so as to avoid dry weather discharge from Discharge 002 to Briar Creek until the main treatment facility was receiving its maximum practical flow; 4) discharging pollutants or contaminants which are subject to water quality standards into the waters of the State from a point source; 5) discharging untreated gray, turbid, and odorous effluent containing debris and solids; 6) allowing a sanitary sewer overflow into a residence; 7) causing or threatening or allowing an overflow from a sanitary sewer so as to violate the Board's regulations or standards; 8) failing to maintain the STP's associated sewer lines so as to minimize a violation of applicable

standards; and 9) causing or threatening or allowing an overflow from a sanitary sewer so as to violate the Board's standards or regulations. 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 March 6, 2013, 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 \$3,240.00.

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 March 21, 2013, by a vote of 5-0.

John T. Therriault, Assistant Clerk

John T. Therrian

Illinois Pollution Control Board