

ILLINOIS POLLUTION CONTROL BOARD  
May 2, 2013

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

OPINION AND 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 the City of Carlinville (respondent). The complaint concerns respondent's sewage treatment plant (STP) located at 1345 South Mayo Street, Carlinville, Macoupin County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *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 Pollutant Discharge Elimination System (NPDES) Permit No. IL0022675.

The People allege that respondent committed these violations by 1) allowing an untreated dry weather discharge that 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 that 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.

On March 6, 2013, 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *Macoupin County Enquirer - Democrat* on March 28, 2013. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of respondent's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Respondent admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Respondent agrees to pay a civil penalty of \$3,240.00. The People and respondent have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The City of Carlinville must pay a civil penalty of \$3,240.00 no later than June 3, 2013, which is the first business day following the 30th day after the date of this order. The City of Carlinville must pay the civil penalty by certified check, money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and the City of Carlinville's federal tax identification number must appear on the face of the certified check or money order.
3. The City of Carlinville must submit payment of the civil penalty to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

The City of Carlinville must send a copy of the certified check, money order, or any transmittal letter to:

Rachel R. Medina  
 Environmental Bureau  
 Illinois Attorney General's Office  
 500 South Second Street  
 Springfield, Illinois 62706

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. The City of Carlinville must complete and submit to the Illinois Environmental Protection Agency (Agency) a first flush study in accordance with Part 375 of the Illinois Pollution Control Board's water pollution regulations, 35 Ill. Adm. Code 375, by June 30, 2013. A copy of the first flush study must simultaneously be provided to the Illinois Attorney General's Office.
6. The City of Carlinville must complete and submit to the Agency a Long Term Control Plan (LTCP) within 30 days of completing the first flush study. The LTCP must be prepared in accordance with Section 301 of the Clean Water Act, 33 U.S.C §1311, the National CSO Control Policy, 58 Fed. Reg. 18688 (19 Apr 1994), and Special Condition 13 of NPDES Permit No. IL0022675. The LTCP must address both treated (Discharge A01: Treated CSO Outfall) and untreated (Discharge 002: Combined Sewer Overflow) CSO discharges. A copy of the Long Term Control Plan must simultaneously be provided to the Illinois Attorney General's Office.
7. The City of Carlinville must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 2, 2013 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 at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board