## ILLINOIS POLLUTION CONTROL BOARD May 15, 2014

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 14-121
VILLAGE OF HAMMOND,	)	(Enforcement - Water)
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by D. Glosser)<sup>1</sup>:

On March 24, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against the Village of Hammond (respondent). The complaint concerns respondent's waste water treatment plant (WWTP) located in Hammond, Piatt 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a), (d), (f) of the Act (415 ILCS 5/12(a), (d), and (f) (2012)) and Sections 304.106, 304.141, 305.102, 306.102(a) and (b), 306.304, 306.305 of the Board's rules (35 Ill. Adm. Code 304.106, 304.141, 305.102, 306.102(a) and (b), 306.304, 306.305). The People allege respondent violated these provisions by allowing a sewage overflow resulting in water pollution and a water pollution hazard. Additionally, the People allege that respondent allowed a discharge of effluent in excess of permit requirements, and failed to properly report the discharges. 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 24, 2014, 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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 *Piatt County Journal Republican* on April 16, 2014. The Board did not receive any requests for hearing. The

<sup>&</sup>lt;sup>1</sup> Chad Kruse, who worked for the Illinois Environmental Protection Agency prior to joining the Board as an attorney assistant on March 19, 2013, took no part in the Board's drafting or deliberation of any order or issue in this matter.

Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2012); 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 III. 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) (2012)), 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) (2012)), which may mitigate or aggravate the civil penalty amount. Respondent agrees to pay a civil penalty of \$15,980. 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.

## <u>ORDER</u>

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Village of Hammond (respondent) must pay a total civil penalty of \$15,980 in three installments. The first installment of \$7,990 to be paid no later than June 16, 2014, which is the first business day following the 30th day after the date of this order. The second installment of \$3,995 is to be paid by May 15, 2015, and a final installment of \$3,995 by May 15, 2016. Respondent must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and respondent's federal employer identification number must appear on the face of the certified check or money order.
- 3. Respondent 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

Respondent must send a copy of each certified check or money order and any transmittal letter to:

Michael D. Mankowski 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) (2012)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2012)).
- 5. Respondent must cease and desist from further violations of the Environmental Protection Act and NPDES Permit No. ILG580095.

## 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) (2012); *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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2014, by a vote of 4-0.

In T. Therrian

John T. Therriault, Clerk Illinois Pollution Control Board