ILLINOIS POLLUTION CONTROL BOARD
September 4, 2014

PEOPLE OF THE STATE OF ILLINOIS,   )
)
    Complainant,   )
)
    v.   )   PCB 07-83
)   (Enforcement - Water)
EDELSTEIN WATERWORKS CO-OP, an   )
Illinois not-for-profit corporation,   )
)
    Respondent.   )

ORDER OF THE BOARD (by D. Glosser):

On March 5, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Edelstein Waterworks Co-Op, an Illinois not-for-profit corporation (Waterworks). *See* 415 ILCS 5/31(c)(1) (2012); 35 Ill. Adm. Code 103.204. The complaint concerns Waterworks' public water supply facility located in Edelstein, Peoria 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege in the complaint that Waterworks violated Sections 15, 18(a), 18(a)(2), and 19 of the Act and Sections 601.101, 602.101, 602.102, 603.102, 603.103, 603.105(b), 607.104, 611.121(a), 611.382(c), 611.521(a), 611.522(a), 611.731, 611.831, 611.883, 652.101, 652.201, 653.110 of the Board's water supply regulations. 415 ILCS 5/15, 18 (a), 18(a)(2), and 19 (2004); 35 Ill. Adm. Code 601.101, 602.101, 602.102, 603.102, 603.103, 603.105(b), 607.104, 611.121(a), 611.382(c), 611.521(a), 611.522(a), 611.731, 611.831, 611.883, 652.101, 652.201, 653.110. The People further allege that Waterworks violated these provisions by:

1.   Failing to submit monitoring and sampling results;

2.   Failing to complete reporting requirements;

3.   Failing to designate an individual in "responsible charge";

4.   Exceeding the annual average for combined radium and gross alpha particle activity;

5.   Failing to properly operate the facility;

6.   Failing to obtain construction and operating permits; and

7.   Failing to properly prepare consumer confidence reports.

On August 12, 2014, the People and Waterworks filed a stipulation and proposed settlement (Stip.), 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 proposed stipulation addresses only four counts of the seven alleged in the complaint. On August 21, 2014, the Board noted that the stipulation did not address Counts V, VI and VII of the initial complaint. Therefore, the Board directed the parties to provide additional information regarding the parties' intent on the remaining counts of the complaint. On August 29, 2014, the People filed a motion to voluntarily dismiss Counts V, VI, and VII of the complaint. The Board grants the motion to dismiss Counts V, VI and VII.

Under the proposed stipulation, Waterworks admits the alleged violations and agrees to pay a civil penalty of $1,425.

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

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John T. Therriault, Clerk
Illinois Pollution Control Board