

ILLINOIS POLLUTION CONTROL BOARD

September 3, 2015

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 16-39
)	(Enforcement – Public Water Supply)
VILLAGE OF PERCY, an Illinois municipal)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On August 19, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the Village of Percy, an Illinois municipal corporation (respondent). The complaint concerns respondent's public water supply located in Percy, Randolph County. Accompanying the complaint was a stipulation, and proposal for settlement. On August 24, 2015 the People filed a request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons stated below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief of the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 18(a)(1) and 18(a)(2) of the Act (415 ILCS 5/18(a)(1) and (2) (2014)) and Sections 601.101 and 654.102(a) of the Board's Public Water Supplies Regulations (35 Ill. Adm. Code 601.101 and 654.102(a)). The People allege that respondent violated these provisions by failing to provide a safe source of raw water and adequately treating a public water supply. 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).

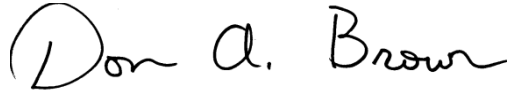
On August 19, 2015, simultaneously with the People's complaint, the People and respondent filed a stipulation and proposed settlement and on August 24, 2015, a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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 \$2,380.

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) (2014); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 3, 2015, by a vote of 5 - 0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style. The first letter of "Don" is a large, circular loop. The "A" is written with a simple crossbar. "Brown" is written with a continuous, slightly wavy line.

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board