## ILLINOIS POLLUTION CONTROL BOARD September 22, 2016

PEOPLE OF THE STATE OF ILLINOI	S, )	
Complainant,	)	
V.	)	PCB 15-155
ILLINOIS AMERICAN WATER COM	) PANY,)	(Enforcement-Water)
Respondent.	)	

ORDER OF THE BOARD (by C.K. Zalewski):

The People of the State of Illinois allege that Illinois American Water Company (Illinois American) caused or allowed water pollution at two community sanitary sewer systems, including one in Mount Prospect, Cook County, and one in Lisle, DuPage County. The parties now seek to settle this enforcement action 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

In the January 30, 2015 complaint, the People allege that Illinois American violated Sections 12(a), 12(d), and 12(f) of the Act by causing or allowing: 1) the release of untreated sewage into storm sewers; 2) deposition of contaminants on land to create a water pollution hazard; and 3) sewer overflows. 415 ILCS 5/12(a), (d), (f) (2014). On September 12, 2016, the People and Illinois American 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) (2014). This filing is authorized by Section 31(c)(2) of the Act 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 415 ILCS 5/31(c)(2) (2014); 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Illinois American does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$20,000. Stip. at 3, 9. In addition, Illinois American has agreed to perform cleaning, inspection, and community education activities as a part of the proposed stipulation. *Id.* at 11-13.

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, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September, 22, 2016, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board