

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB No. 07-
) (Enforcement - Water)
)
 PALOS TOWNSHIP, COOK COUNTY,)
 ILLINOIS, a political)
 Subdivision of Cook County,)
)
 Respondent.)

NOTICE OF FILING

TO: Erik R. Peck
Peck Law Offices, P.C.
47 South 6th Avenue
LaGrange, Illinois 60525

(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Complaint, Stipulation and Proposal for Settlement, and Motion to Request Relief from Hearing Requirement, true and correct copies which are attached and hereby served upon you.

Pursuant to 35 Ill. Adm. Code 103.204(f), I am required to state that failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

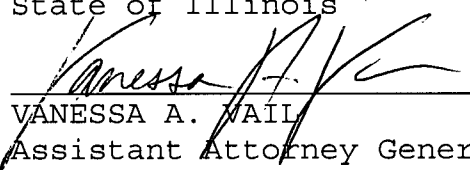
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General of the

State of Illinois

BY:



VANESSA A. NAIL

Assistant Attorney General

Environmental Bureau

188 W. Randolph St., 20th Floor

Chicago, Illinois 60601

(312) 814-5361

DATE: October 23, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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 Complainant,)
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 v.) PCB No. 07-
) (Enforcement - Water)
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 PALOS TOWNSHIP, COOK COUNTY,)
 ILLINOIS, a political)
 Subdivision of Cook County,)
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 Respondent.)

COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), complains of Respondent, PALOS TOWNSHIP, COOK COUNTY, ILLINOIS, a political subdivision of Cook County, as follows:

COUNT I

FAILURE TO OBTAIN AN NPDES STORM WATER PERMIT

1. This complaint is brought on behalf of the People of the State of Illinois, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois EPA, against PALOS TOWNSHIP, pursuant to the terms and conditions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2004).

2. The Illinois EPA is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (2004), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent, Palos Township, was and is an Illinois township in Cook County, duly organized and existing under the Illinois Township Code, 60 ILCS 1/1-1, *et seq.* (2004).

4. Palos Township has a population of between 50,000 and 75,000 people, and includes Palos Hills, Hickory Hills, Palos Heights and Palos Park.

5. Palos Township has municipal separate storm sewers ("MS4s").

6. On September 5, 2002, the Illinois EPA sent a letter to Palos Township notifying Respondent that it is required to submit a National Pollutant Discharge Elimination System ("NPDES") permit application for coverage of its MS4s, or waiver applicability demonstrations to the Illinois EPA by March 10, 2003.

7. On June 30, 2003, the Illinois EPA sent a noncompliance advisory letter ("NCA") to Palos Township reminding Respondent that it is required to submit an application for NPDES permit coverage, or waiver request to the

Illinois EPA by July 15, 2003. Palos Township did not respond to the NCA.

8. On February 16, 2005, the Illinois EPA sent a Violation Notice ("VN") to Palos Township advising Respondent that the failure to submit an NPDES municipal separate storm sewer system ("MS4") permit application constituted violations of the Act and Illinois Pollution Control Board ("Board") regulations. The VN also informed Respondent that it was required to submit a written response within 45 days of receipt of the VN.

9. On March 23, 2005, Respondent submitted a Compliance Commitment Agreement ("CCA") to the Illinois EPA requesting a 45 day extension to submit an NPDES permit application to the Illinois EPA.

10. On April 21, 2005, the Illinois EPA accepted Palos Township's proposed CCA submitted on March 23, 2005. Illinois EPA's acceptance of Respondent's CCA committed Palos Township to submit an NPDES MS4 permit application to the Illinois EPA by May 17, 2005. Palos Township did not submit an NPDES permit application or waiver request by May 17, 2005.

11. On June 10, 2005, the Illinois EPA received correspondence dated May 23, 2005 from Palos Township's Highway Commissioner regarding the status of Respondent's NPDES permit

application, which indicated a permit application would be submitted.

12. In June and July 2005, the Illinois EPA left phone messages with Palos Township concerning the status of Respondent's NPDES MS4 permit application. Respondent did not return any phone messages.

13. On August 19, 2005, Illinois EPA sent a Notice of Intent to Pursue Legal Action ("NIPLA") to Palos Township. Palos Township did not respond to the NIPLA.

14. The Federal Clean Water Act regulates storm water discharges from municipal separate storm sewer systems and prohibits such storm water discharges without an NPDES permit. The United States Environmental Protection Agency ("USEPA") administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State. The USEPA has authorized the State of Illinois to issue NPDES permits through the Illinois EPA in compliance with federal regulations, including storm water discharges regulated by 40 CFR 122.26, which requires a person to obtain an NPDES permit to lawfully discharge storm water.

15. In pertinent part, 40 CFR 122.26 provides as follows:

(a) Permit requirement.

* * *

- (9) (i) On and after October 1, 1994, for discharges composed entirely of storm water, that are not required by paragraph (a)(1) of this section to obtain a permit, operators shall be required to obtain a NPDES permit only if:
- (A) The discharge is from a small MS4 required to be regulated pursuant to § 122.32;

* * *

16. In pertinent part, 40 CFR 122.32 provides as follows:

- (a) Unless you qualify for a waiver under paragraph (c) of this section, you are regulated if you operate a small MS4, including but not limited to systems operated by federal, State, Tribal, and local governments, including State departments of transportation; and:
- (1) Your small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. ...

* * *

- (c) The NPDES permitting authority may waive the requirements otherwise applicable to you if you meet the criteria of paragraph (d) or (e) of this section. If you receive a waiver under this section, you may subsequently be required to seek coverage under an NPDES permit in accordance with 122.33(a) if circumstances change.
- (d) The NPDES permitting authority may waive permit coverage if your MS4 serves a population of less than 1,000 within the urbanized area and you meet the following criteria:
- (1) Your system is not contributing substantially to the pollutant loadings of physically interconnected MS4 that is regulated by the NPDES storm water program...; and

- (2) If you discharge any pollutant(s) that have been identified as a cause of impairment of any water body to which you discharge, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern.

* * *

17. Palos Township was listed in the December 8, 1999 Federal Register as being located in a Bureau of the Census designated urban area based on the 1990 decennial census.

18. Palos Township operates a small municipal separate storm sewer system ("MS4"), and is therefore a small MS4 that is regulated under the NPDES program.

19. At the time of filing this Complaint, Respondent had not obtained permit coverage for its MS4, or demonstrated that permit coverage is waived.

20. Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), provides, in pertinent part, as follows:

No person shall:

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations

adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

21. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), provides as follows:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

22. Respondent, Palos Township, a political subdivision, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2004).

23. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides, as follows:

NPDES Permit Required

- a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

24. Respondent has not applied for and is not covered by a NPDES storm water permit for its MS4, and has not demonstrated such NPDES permit coverage is waived.

25. By failing to obtain an NPDES storm water permit for its MS4, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent, PALOS TOWNSHIP, on this Count I:

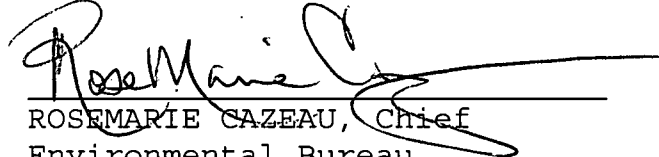
1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
3. Ordering the Respondent to cease and desist from any future violations of Section 12(f) of the Act and Section 309.102(a) of the Board Water Pollution Regulations;
4. Assessing a civil penalty pursuant to Section 42(a) of the Act, a civil penalty of Ten Thousand Dollars (\$10,000.00) per day against the Respondent for each violation of the Act and relevant regulations;
5. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN, Attorney

General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:


ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

Vanessa A. Vail
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, Suite 2001
Chicago, Illinois 60601
(312) 814-5361

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS, a political)
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 Respondent.)

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Respondent PALOS TOWNSHIP, ("Respondent"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the

claims asserted in the Complaint except as otherwise provided herein. If the Board approves and enters this Stipulation, Respondent agrees to be bound by the Stipulation and Board Order and not to contest their validity in any subsequent proceeding to implement or enforce their terms.

I. JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq. (2004).

II. AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

III. STATEMENT OF FACTS

A. Parties

1. On September 27, 2006, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e), (as amended by P.A. 93-831 (eff. July 28, 2004)), against the Respondent Palos Township.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2004).

3. At all times relevant to the Complaint, Respondent was and is an Illinois township in Cook County, duly organized and existing under the Illinois Township Code, 60 ILCS 1/1-1, et seq. (2004).

B. Site Description

1. At all times relevant to the Complaint, Respondent had and has a population of between 50,000 and 75,000 people, and includes the municipalities of Palos Hills, Hickory Hills, Palos Heights and Palos Park.

2. Respondent has a municipal separate storm sewer system ("MS4"). A MS4 is a conveyance or system of conveyances, and

includes roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm drains, that are designed or used for collecting or conveying stormwater into surface waters of the state. A MS4 must be owned or operated by a public agency such as city or town, a county or state or federal agency.

3. At all times relevant to the Complaint, Respondent was required to have a National Pollutant Discharge Elimination System ("NPDES") permit authorizing stormwater discharges associated with its MS4.

4. On June 21, 2006, the Illinois EPA issued an NPDES storm water permit for its MS4s to Respondent to discharge storm water.

C. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Failing to obtain an NPDES Storm Water Permit for Respondent's MS4s, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

D. Admission of Violations

The Respondent admits the violations alleged in the Complaint filed in this matter and referenced within Section III.C herein.

E. Compliance Activities to Date

Respondent was issued an NPDES permit for its MS4s.

IV. APPLICABILITY

This Stipulation shall apply to and be binding upon the Complainant and the Respondent, and any trustee, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its trustees, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation.

V. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations including, but not limited to, the Act and the Board regulations, 35 Ill. Adm. Code, Subtitles A through H.

VI. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2004), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties state the following:

1. The alleged violations threatened human health and the environment by keeping the Illinois EPA unaware of the sufficiency of the MS4 system present in Palos Township in preventing pollution to waters of the State.
2. Respondent's MS4 has social and economic benefit.

3. Respondent's MS4 is necessary and suitable for the area in which it is located.

4. It was both technically practicable and economically reasonable for Respondent to comply with the requirements of the Act, Board regulations and the NPDES permit requirements.

5. Respondent has subsequently complied with the Act and the Board Regulations.

VII. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2004), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties state as follows:

1. The alleged violations continued from at least March 10, 2003, through at least June 2006.
2. Respondent demonstrated due diligence after Complainant made Respondent aware of the alleged violations.
3. The penalty obtained negates the minimal economic benefit accrued as a result of the delay in compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Three Thousand Eight Hundred Dollars (\$3,800.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

VIII. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Three Thousand Eight Hundred Dollars (\$3,800.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation. The Respondent stipulates that payment has been tendered to Respondent's attorney of record in this matter in a form acceptable to that attorney. Further, Respondent stipulates that said attorney has been directed to make the penalty payment on behalf of Respondent, within thirty (30) days from the date the Board adopts and accepts this Stipulation, in a manner prescribed below. The penalty described in this Stipulation shall be paid by certified check or money order payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and submitted to:

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

The name and number of the case and Respondent's Federal Employer Identification Number (FEIN) shall appear on the check. A copy of the certified check or money order and any transmittal letter shall be sent to:

VANESSA A. VAIL
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2004), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003 (2004). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue to accrue until the date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall be paid by certified check or money order, payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and delivered to the address and in the manner described above.

3. For purposes of payment and collection, Respondent may be reached at the following address:

MRS. COLLEEN GRANT SCHUMANN
Supervisor, Palos Township
10802 S. Roberts Road
Palos Hills, Illinois 60465

4. In the event of default of this Section VIII.A, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees.

B. Future Use

Notwithstanding any other language in this Stipulation to the contrary, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.D below, the Respondent hereby agrees that this Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations promulgated thereunder for all violations alleged in the Complaint in this matter, for purposes of Sections 39(a) and (i) and/or 42(h) of the Act, 415 ILCS 5/39(a) and(i) and/or 5/42(h) (2004). Further, Respondent agrees to waive any rights to contest, in any subsequent enforcement action or permit proceeding, any allegations that these alleged violations were adjudicated.

C. Cease and Desist

The Respondent shall cease and desist from future violations of the Act that were the subject matter of the Complaint as outlined in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

D. Release from Liability

In consideration of the Respondent's payment of the \$3,800.00 penalty and any specified costs and accrued interest, its commitment to Cease and Desist as contained in Section VIII.C and upon the Board's acceptance and approval of the terms of this Stipulation and Proposal for Settlement, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for violations of the Act that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on September 27, 2006. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;

- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois or the Illinois EPA may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

E. Enforcement of Board Order

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois Pollution Control Board and may be enforced as such through any and all available means.

2. Respondent agrees that notice of any subsequent proceeding to enforce the Board Order approving and accepting

this Stipulation and Proposal for Settlement may be made by mail and waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

4. It is the intent of the Complainant and Respondent that the provisions of this Stipulation and Proposal for Settlement and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state or federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.

F. Execution of Document

This Stipulation shall become effective only when executed by all parties and the Board. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together, shall constitute one and the same instrument.

WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: _____
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General


DATE: _____

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY: _____
ROBERT A. MESSINA
Chief Legal Counsel

DATE: _____

PALOS TOWNSHIP

BY: 
MRS. COLLEEN GRANT SCHUMANN
Supervisor, Palos Township
10802 S. Roberts Road
Palos Hills, Illinois 60465

DATE: 10.05.06

WHEREFORE, Complainant and Respondent request that the Board
adopt and accept the foregoing Stipulation and Proposal for
Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: Rose Marie Cazeau/rab
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

DATE: 10/6/06

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY: Robert A. Messina
ROBERT A. MESSINA
Chief Legal Counsel

DATE: 10/3/06

PALOS TOWNSHIP

BY: _____

DATE: _____

Name: _____

Title: _____

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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 v.) PCB No. 07-
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 PALOS TOWNSHIP, COOK COUNTY,)
 ILLINOIS, a political)
 Subdivision of Cook County,)
)
 Respondent.)

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2)(2004), moves that the Illinois Pollution Control Board ("Board") grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1)(2004). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).
2. Complainant is filing this Motion and a Stipulation and Proposal for Settlement with the Board.

3. The parties have reached agreement on all outstanding issues in this matter.

4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2)(2004).

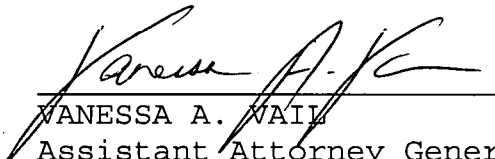
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1)(2004).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

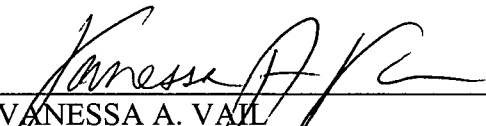
BY:


VANESSA A. WAIL
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-5361

DATE: October 23, 2006.

CERTIFICATE OF SERVICE

I, VANESSA A. VAIL, an Assistant Attorney General, do certify that I caused to be mailed this 23rd day of October 2006, true and correct copies of the Complaint, Stipulation and Proposal for Settlement, Motion to Request Relief from Hearing Requirement and Notice of Filing by certified mail with return receipt requested to the person listed on the said Notice of Filing, and depositing same with the United States Postal Service located at 188 West Randolph Street, Chicago, Illinois, 60601.



VANESSA A. VAIL
Assistant Attorney General
Environmental Bureau