

ILLINOIS POLLUTION CONTROL BOARD
May 3, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 07-41
)	(Enforcement - Water)
VILLAGE OF NEBO, an Illinois municipal corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by A.S. Moore):

On November 20, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against the Village of Nebo (the Village). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that the Village violated Sections 15(a), 18(a)(1), 18(a)(2), and 18(a)(3) of the Environmental Protection Act (Act) (415 ILCS 5/15(a), 18(a)(1), 18(a)(2), 18(a)(3) (2004)); Sections 601.101, 611.240(g), 611.521(a), and 611.831 of the Board's regulations (35 Ill. Adm. Code 601.101, 611.240(g), 611.521(a), 611.831); Sections 370.1021, 653.601, and 653.605 of the Illinois Environmental Protection Agency's regulations (35 Ill. Adm. Code 370.1021, 653.601, 653.605); and a condition of its operating permit No. 0994-FY1984. The complaint concerns the Village's public water supply facility located in Pike County.

On March 19, 2007, the People and the Village 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). 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 the *Pike Press* on March 28, 2007. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 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. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of the Village'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) (2004)). The People and the Village have satisfied Section 103.302. The Village admits the violations alleged in Counts I, II, V, and VI of the Complaint and does not affirmatively admit the

violations alleged in Counts III and IV of the Complaint. The Village agrees to pay a civil penalty of \$1,500. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Village must pay a civil penalty of \$1,500 no later than Monday, June 4, 2007, which is the first business day after the 30th day from the date of this order. The Village must pay the civil penalty by certified check, money order, or electronic funds transfer payable to the Illinois Environmental Protection Agency and designated to the Illinois Environmental Protection Trust Fund. The case number, case name, and the Village's federal employer identification number must be included on the certified check or money order.
3. The Village must send the certified check or money order to:

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

A copy of the certified check, money order, or record of electronic funds transfer must be sent to:

Peggy Poitevint
Office of the Attorney General
Environmental Bureau
500 S. 2nd St.
Springfield, IL 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) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. The Village must cease and desist from the alleged violations.

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) (2004); *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, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 3, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board