ILLINOIS POLLUTION CONTROL BOARD October 4, 2007

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ORDER OF THE BOARD (by G.T. Girard):

On November 20, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against the Village of Browning (respondent). The complaint concerns respondent's water supply and treatment facility located in the Village of Browning, Schuyler 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 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 601.101, 611.240(g), and 611.125 of the Board's public water supply regulations (35 Ill. Adm. Code 601.101, 611.240(g), 611.125) and Section 18(a)(2) of the Act (415 ILCS 5/18(a)(2) (2006)) by failing to maintain the minimum chlorine residual in all active parts of the water supply distribution system and failing to maintain a fluoride ion concentration in the range of 0.9 milligrams per liter (mg/L) to 1.2 mg/L in its distribution system. The People further allege that respondent violated Section 611.831 of the Board's public water supply regulations (35 Ill. Adm. Code 611.831), Sections 653.605 and 653.704 of the Illinois Environmental Protection Agency's Technical Policy Statements (35 Ill. Adm. Code 653.605, 653.704) and Section 19 of the Act (415 ILCS 15/19 (2006)) by failing to submit complete reports and records from at least February 2003 thru April 2004.

On September 25, 2007, the People and respondent 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, respondent admits the alleged violations and agrees to pay a civil penalty of \$300.

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) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 4, 2007 by a vote of 4-0

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John Therriault, Assistant Clerk Illinois Pollution Control Board