

ILLINOIS POLLUTION CONTROL BOARD  
April 8, 1976

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 )  
 v. ) PCB75-95  
 ) 75-118  
 )  
 STAR UTILITY COMPANY, an Illinois )  
 corporation, and MIDWEST UTILITY )  
 COMPANY, an Illinois corporation, )  
 )  
 Respondents. )

INTERIM ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Board upon the Complaint of the People of the State of Illinois filed by the Attorney General on February 26, 1975. The parties in these consolidated cases are the same, PCB75-95 concerning itself with the sewer system and PCB75-118 concerning itself with the public water supply system each of which is owned by Star Utility Company (Star) and operated by Midwest Utility Company (Midwest).

After generating more than 400 pages of transcript at three hearings, the parties herein entered into a Stipulation at a fourth hearing held on March 4, 1976. The parties "...concluded that continued litigation of this cause would be protracted, unproductive, time consuming, extremely costly and not in the public interest..." they therefore entered into a Settlement Stipulation wherein neither Star nor Midwest admits any wrong doing or violation of any law rule or regulation of the State of Illinois or of any of its agencies. In addition Star agrees to pay \$1,000.00 and Midwest agrees to pay \$250.00 to the State of Illinois in settlement of this action.

The Board in the past has been inclined to look with favor upon

proposed settlements for precisely the reasons indicated by the parties herein. The Board must nevertheless consider the effect of any proposed settlement upon the environment and upon the ability of the Environmental Protection Act to protect that environment. In this case, the Stipulation says, in effect, that Star will continue to do what they have been doing in the past using the existing plant facilities unless or until the Illinois Commerce Commission approves an increased rate yielding revenue sufficient to cover the costs of correcting deficiencies which they at the same time disclaim. We find the parties contentions in this case untenable.

The Board finds that the conditions of the Stipulation proposed under (b) to be a reasonable procedure to insure that no violations of the Environmental Protection Act and the Board's Rules and Regulations occur in the future, whether or not they occurred in the past. The Board cannot, however, accept, as a condition precedent to compliance, a rate increase depending entirely upon the decision of the Illinois Commerce Commission.

The Board therefore rejects the Stipulation as presented by the parties at hearing on March 11, 1976, and remands the matter back to them for modification of the Stipulation or resumption of the hearing.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 8<sup>th</sup> day of April, 1976 by a vote of 5-0.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board