

ILLINOIS POLLUTION CONTROL BOARD

January 9, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-157
) (Enforcement - Water)
CITY OF TOLUCA, a municipal)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Yi):

This matter comes before the Board upon a three-count complaint filed January 9, 1996, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against the City of Toluca, located in Marshall County, Illinois. The complaint alleges that the City of Toluca violated Sections 12(a), 12(c), and 12(f) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/12(a), 5/12(c), and 5/12(f) (1994) and 35 Ill. Adm. Code 304.120(c), 304.121(a), 304.141(a) and 309.102(a), by violating NPDES permit effluent limits, the general effluent standards for fecal coliform and the general standards for five-day biochemical oxygen demand and total suspended solids.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on December 3, 1996. The Board published a notice of the waiver on December 12, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on December 3, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. The City of Toluca admits the alleged violations and agrees to pay a civil penalty of one thousand five hundred dollars (\$1,500.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's regulations.

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

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and the City of Toluca, located in Marshall County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) The City of Toluca, shall pay the sum of one thousand five hundred dollars (\$1,500.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
 Fiscal Services Division
 2200 Churchill Road
 P.O. Box 19276
 Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, the City of Toluca's Federal Employer Identification Number 36-6006129 and that payment is directed to the Environmental Protection Trust Fund.

- 3) The City of Toluca shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K. M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1997, by a vote of _____.

 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board