

ILLINOIS POLLUTION CONTROL BOARD  
November 5, 2009

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 07-47
	)	(Enforcement – Water)
CITY OF PEKIN, an Illinois municipal	)	
corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by S.D. Lin):

On December 13, 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 City of Pekin (Pekin). The complaint concerns Pekin’s waste water treatment plant (WWTP) at 606 South Front Street, in Pekin, Tazewell 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 (2008)),<sup>1</sup> 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Pekin violated Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a), 12(f) (2008), and Sections 304.141(a), 305.102(b), 306.102, 309.102(a) and 312.101 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141(a), 306.102, 309.102(a), 312.101.

According to the complaint, respondents violated these provisions by: (1) causing or allowing the discharge of contaminants into waters of the State in violation of the terms or conditions of its NPDES permit, (2) discharging said contaminates in violation of the regulations or standards adopted by the Board, (3) discharging the contaminants so as to cause water pollution, (4) by failing to ensure that all treatment works and associated facilities were constructed and operated as to minimize violations of applicable standards during such contingencies as flooding, etc., (5) by failing to comply with the monitoring, sampling, recording and reporting requirements set forth in Pekin’s NPDES permit, (6) by allowing bypasses and overflows of untreated wastewater to occur, and (7) by failing to have a certified Class I operator to supervise the operation of the WWTP.

---

<sup>1</sup> All citations to the Act will be to the 2008 compiled statutes because the provisions at issue have not been substantively amended in the 2008 compiled statutes.

On October 22, 2009, the People and Pekin 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Pekin admits the alleged violations and agrees to pay a civil penalty of \$14,483.

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) (2008); 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 November 5, 2009, by a vote of 5-0.



---

John Therriault, Assistant Clerk  
Illinois Pollution Control Board