

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, Clinton does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$10,000 and to perform a supplemental environmental project (SEP) with a settlement value of \$30,000, consisting of providing landfill disposal services to the People.

Generally, unless the Board determines that a hearing is needed, the Board causes notice of a 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 denies the parties' request for relief and holds a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). In this case, however, the Board found in an October 21, 2010 order that there was an inconsistency between the complaint and the stipulation. Specifically, the statement of alleged violations in the stipulation failed to include count III of the complaint. In accord with precedent, the Board directed that the parties reconcile the inconsistency. *See, e.g., People v. Swinson*, PCB 10-08, slip op. at 2 (June 17, 2010); *People v. Village of Rockton*, PCB 09-104, slip op. at 1-2 (Nov. 19, 2009).

In response, the People filed a motion to "clarify the applicability" of the stipulation (Mot.). Mot. at 1. The People concede that the "summary of alleged violations" in the stipulation "inadvertently omitted the permit violations alleged in count III of the complaint." *Id.* The People assert, however, that two general provisions elsewhere in the stipulation indicate that all of the complaint's alleged violations are within the scope of the stipulation. *Id.* at 2. The People suggest that the "summary of alleged violations" is not required and conclude by representing that "Count III is included in the settlement." *Id.*

The Board grants the People's motion to clarify and therefore finds that count III is part of the stipulation. The Board notes that the inclusion of a particular alleged violation might be significant to a citizen who is reading a proposed settlement and considering whether to demand a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.302.

The Board directs the Clerk to provide notice of the stipulation and proposed settlement, so clarified, as well as the 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.

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 4, 2010, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board