

On November 8, 2010, simultaneously with the People's complaint, the People and Colchester 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). The proposed stipulation states that an estimated 300,000 gallons of sanitary wastewater was discharged from the three lift stations. Under the proposed stipulation, Colchester admits the alleged violations and agrees to pay a civil penalty of \$5,346 and complete specified improvements.¹

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 18, 2010, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board

¹ Two of the stipulation's deadlines relating to construction had passed before the stipulation was filed or fully executed. *See* Stipulation at 9, 13.