

ILLINOIS POLLUTION CONTROL BOARD
January 6, 2011

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 11-03
) (Enforcement - Water)
ALDEN MANAGEMENT SERVICES, INC.,)
an Illinois corporation, and ALDEN LONG)
GROVE REHABILITATION AND HEALTH)
CARE CENTER, INC., an Illinois corporation,)
)
Respondents.)

ORDER OF THE BOARD (by C.K. Zalewski):

On July 19, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Alden Management Services, Inc. (Alden Management), an Illinois corporation, and Alden Long Grove Rehabilitation and Health Care Center, Inc. (Alden Long Grove), an Illinois corporation, (collectively, respondents). The complaint alleges that Alden Management operates several rehabilitation and nursing facilities, including the Alden Long Grove rehabilitation center. The complaint concerns the wastewater treatment plant (WWTP) located at the Alden Long Grove rehabilitation center on Old Hicks Road, east of Illinois Route 53 and just west of Illinois Route 83 in Long Grove, Lake County.

The People and both respondents now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), 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 respondents violated Section 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), and (f) (2008)) Sections 302.203, 304.105, 304.106, 306.102(a), 306.304, 309.102(a) and 312.101 of the Board's water pollution regulations (35 Ill. Adm. Code 302.203, 304.105, 304.106, 306.102(a), 306.304, 309.102(a) and 312.101) and various special conditions of National Pollutant Discharge Elimination System (NPDES) permit No. IL 0051934. These water pollution, permit, and other violations allegedly resulted from poor maintenance and operation of the WWTP, including allowing sanitary sewer overflows and effluent discharges into wetlands adjacent to the WWTP and an unnamed tributary to Buffalo Creek.

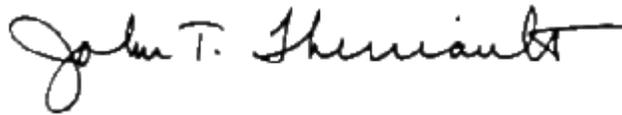
On December 30, 2010, the People and both respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1)

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, respondents deny the alleged violations, but agree to pay a civil penalty of \$40,000, which amount includes the economic benefit from non-compliance calculated as \$638.

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 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 January 6, 2011, by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board