

without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$5,500.

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, the statement of alleged violations in the stipulation refers specifically to counts I through III of the complaint, but does not include count IV of the complaint. *See* Stipulation at 2-3 ("Allegations of Non-Compliance"); *see also id.* at 3 ("Admission of Violations"). As the Board has stated, "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." People v. Waste Management of Illinois, PCB 11-14, slip op. at 2 (Nov. 4, 2010). Accordingly, the Board directs that an appropriate filing be made by April 4, 2011, to reconcile the inconsistency between the complaint and the stipulation. *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).

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 3, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board