

ILLINOIS POLLUTION CONTROL BOARD  
March 3, 2011

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 10-102
	)	(Enforcement - Water)
	)	
CITY OF CHARLESTON, an Illinois	)	
municipal corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On June 9, 2010, 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 Charleston (Charleston). The complaint concerns Charleston’s wastewater treatment plant (WWTP) located at 750 West Madison Avenue in Charleston, Coles 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)), 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, count I of the People’s complaint alleges that Charleston violated Sections 12(a) and 12(d) of the Act (415 ILCS 5/12(a), (d) (2008)) and Sections 302.203, 304.106, 306.304, and 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 302.203, 304.106, 306.304, 309.102(a)) by (1) causing or allowing the discharge of contaminants and wastewater into the environment so as to cause water pollution resulting in a fish kill, (2) depositing contaminants upon the land in such a manner and place as to create a water pollution hazard, (3) discharging contaminants into waters of the State containing sludge or bottom deposits, floating debris, or color or turbidity of other than natural origin, (4) discharging untreated wastewater containing settleable solids, floating debris, or sludge solids, and (5) causing or allowing sewer overflows. Count II of the complaint alleges that Charleston violated Sections 306.102(a) and 306.102(b) (35 Ill. Adm. Code 306.102(a), (b)) by (1) failing to construct and operate its WWTP so as to minimize violations of applicable standards during flooding, adverse weather, equipment failure, or maintenance and (2) failing to take all reasonable measures to prevent the spillage of contaminants from causing water pollution. In count III, the People allege that Charleston violated Section 12(f) of the Act (415 ILCS 5/12(f) (2008)) and Sections 304.141(a) and 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 304.141(a), 309.102(a)) by (1) discharging contaminants into waters of the State in violation of its National Pollutant Discharge Elimination System (NPDES) permit and (2) discharging contaminants in its effluent in excess of the standards and limitations set forth in its NPDES permit.

On February 17, 2011, the People and Charlestown 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, Charlestown admits the alleged violations and agrees to pay a civil penalty of \$23,800. Among other things, the stipulation also states the following: (1) on January 25, 2006, Charlestown paid \$5,738, the value of the aquatic life destroyed by the September 17, 2005 discharge event, to the Illinois Department of Natural Resources for deposit into the Illinois Wildlife and Fish Fund; and (2) Charlestown has committed to expending over \$7.25 million on a total facility upgrade and an additional \$170,000 annually to a capital allocation program to fund its newly-instituted preventative maintenance program.

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 March 3, 2011, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board