

ILLINOIS POLLUTION CONTROL BOARD
November 3, 2011

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 12-59
) (Enforcement – Water)
VILLAGE OF CAVE-IN-ROCK, an Illinois)
municipal corporation, and MAIER’S TIDY)
BOWL, INC., an Illinois corporation,)
)
Respondents.)

ORDER OF THE BOARD (by T.A. Holbrook):

On October 24, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against the Village of Cave-in-Rock (Village) and Maier’s Tidy Bowl, Inc. (MTB). The complaint concerns the Village’s waste water treatment plant (WWTP), which discharges treated waste into an unnamed tributary (tributary) of the Ohio River, and is located in the east half of section 14, Township 12 South, Range 3 East of the Third Meridian, Village of Cave-In-Rock, Hardin County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement for MTB only. The Village was not a party to the proposed settlement. The People and MTB therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint against both respondents and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief as to MTB only.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege:

- Count I: The Village and MTB violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), by causing or allowing the discharge of raw sewage into waters of the State so as to cause water pollution,
- Count II: The Village violated Section 306.304 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 306.304; NPDES Permit Conditions; and Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), by allowing untreated sewage to overflow or bypass the lift station and sanitary sewer lines,
- Count III: The Village and MTB violated Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), by allowing a discharge of black,

odorous, raw sewage directly into the tributary, thereby causing color and odor of unnatural origin in the tributary,

- Count IV: The Village violated Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), by causing or allowing a liquid discharge exhibiting a raw sewage odor from sanitary sewer lines across a parking lot and into the Ohio River, and both the Village and MTB violated Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), by causing or allowing a liquid discharge exhibiting obvious turbidity and a raw sewage odor to the tributary, and
- Count V: The Village violated Section 306.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.102(a), by failing to maintain an operable backup pump at its lift station so as to minimize violations of applicable standards, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), by causing, threatening, or allowing the discharge of raw sewage so as to violate Board regulations.

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On October 24, 2011, simultaneously with the People's complaint, the People and MTB 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, MTB neither admits nor denies the alleged violations of Section 12(a) of the Act (415 ILCS 5/12(a) (2010)), and Sections 302.203 and 304.106 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 302.203, 304.106), and agrees to pay a civil penalty of \$1,925.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

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

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board