ILLINOIS POLLUTION CONTROL BOARD June 7, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 12-129
)	(Enforcement - Water)
VILLAGE OF ORLAND HILLS,)	
)	
Respondent.)	
*)))	(Enforcement - Wate

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

On May 17, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against the Village of Orland Hills (Orland Hills). The complaint concerns Orland Hills' small municipal separate storm sewer system (MS4) located in the Southwest suburbs of Chicago, Cook County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (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 that Orland Hills violated Section 12(f) of the Act (415 ILCS 5/12(f) (2010)) and Sections 309.102(a) and 309.104(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 309.102(a) and 309.104(a)) by failing to comply with the National Discharge Elimination System (NPDES) permit renewal requirements. 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 May 17, 2012, simultaneously with the People's complaint, the People and Orland Hills 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, the Orland Hills neither admits nor denies the alleged violation and agrees to pay a civil penalty of \$2,400.00.

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 June 7, 2012 by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board