ILLINOIS POLLUTION CONTROL BOARD August 9, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 11-67 (Enforcement - Water)
TOWN OF CORTLAND, an Illinois munici	pal)	(Emoreement water)
corporation,)	
Respondent.)	

ORDER OF THE BOARD (by J. A. Burke):

On April 7, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against the Town of Cortland (Cortland). The complaint concerns Cortland's wastewater spray irrigation fields and rigs located in DeKalb 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 (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 Cortland violated Sections 12(a), (b) and (d) of the Act, 415 ILCS 5/12(a), 12(b), 12(d) (2010), by causing, threatening or allowing water pollution to areas outside of Cortland's spray irrigation application area (Count I), by discharging wastewater to areas outside of the spray irrigation application area in violation of Special Condition 7 of Cortland's State Operating Permit (Count II), and by depositing contaminants on the land in such a manner as to create a water pollution hazard (Count III).

On July 24, 2012, the People and Cortland 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, Cortland does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$3,000.00.

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 August 9, 2012 by a vote of 5-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board