

ILLINOIS POLLUTION CONTROL BOARD  
January 10, 2013

|                                  |   |                       |
|----------------------------------|---|-----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, | ) |                       |
|                                  | ) |                       |
| Complainant,                     | ) |                       |
|                                  | ) |                       |
| v.                               | ) | PCB 11-53             |
|                                  | ) | (Enforcement - Water) |
| VILLAGE OF SPRING GROVE,         | ) |                       |
|                                  | ) |                       |
| Respondent.                      | ) |                       |

ORDER OF THE BOARD (by C.K. Zalewski)

On February 23, 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 Village of Spring Grove (Spring Grove). The complaint concerns Spring Grove’s Sewage Treatment Plant (STP) located at 3001 Industrial Drive in Spring Grove, McHenry County. For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

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 Spring Grove violated: (1) Section 304.140(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 304.140(a)) by exceeding Spring Grove’s National Pollutant Discharge Elimination System (NPDES) permit monthly average and daily maximum limits for ammonia nitrogen during the months of January, February, and March 2009, and Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2010)) by discharging ammonia nitrogen into waters of the State in excess of the limitations set forth in the NPDES permit in violation of Section 304.140(a) (count I); (2) Section 305.102(b) of the Board’s water pollution regulations (35 Ill. Adm. Code 305.102(b)) and thereby Section 12(f) of the Act by failing to comply with the reporting requirement of Standard Condition No. 12(e) of Spring Grove’s NPDES permit (count II); and (3) Section 12(f) of the Act by failing to comply with the wastewater characterization requirement of Special Condition No. 14 of Spring Grove’s NPDES permit (count III).

On November 29, 2012, the People and respondent 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *Northwest Herald* on December 8, 2012. The Board did not receive any requests for hearing. The Board

grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Spring Grove's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Spring Grove neither admits nor denies the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Spring Grove agrees to pay a civil penalty of \$4,000. The People and Spring Grove have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Village of Spring Grove (Spring Grove) must pay a civil penalty of \$4,000 no later than February 11, 2013, which is the first business day following the 30th day after the date of this order. Spring Grove must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and Spring Grove's federal employer identification number must appear on the face of the certified check or money order.
3. Spring Grove must submit payment of the civil penalty to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Spring Grove must send a copy of the certified check or money order and any transmittal letter to:

Zemeheret Bereket-Ab  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. Spring Grove must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2013, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board