

ILLINOIS POLLUTION CONTROL BOARD  
May 20, 2021

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 21-107
	)	(Enforcement – Water-NPDES)
VILLAGE OF SWANSEA, an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by J. Van Wie):

On May 5, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the Village of Swansea (Swansea). The complaint concerns Swansea’s publicly-owned treatment works (POTW) in Swansea, St. Clair County, Illinois (Facility). The parties seek to settle without a hearing. For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Swansea violated Section 12(f) of the Act, and Sections 309.102(a) and 309.104(a) of the Board Water Pollution Regulations, by failing to timely reapply for its National Pollution Discharge Elimination System (NPDES) permit. 415 ILCS 5/12(f) (2018); 35 Ill. Admin. Code 309.102(a), 309.104(a). The People further allege that Swansea violated Section 12(f) of the Act, Sections 309.102(a) and 309.102(b) of the Board Water Pollution Regulations, and Special Conditions 12, 13, and 15 of its NPDES Permit by failing to submit reports required by its NPDES permit in the years 2016, 2017, 2018, and 2019. 415 ILCS 5/12(f) (2018); 35 Ill. Admin. Code 309.102(a), 309.102(b).

On May 5, 2021, concurrent with the complaint, the People and Swansea filed a stipulation and proposal for 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Swansea admits the alleged violations and agrees to pay a civil penalty of \$1,620.00.

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 30 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) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 20, 2021, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a solid horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board