ILLINOIS POLLUTION CONTROL BOARD August 21, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 14-135
)	(Enforcement - Water)
SANITARY DISTRICT OF DECATUR,)	
an Illinois municipal authority,)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by D. Glosser):

On June 17, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against the Sanitary District of Decatur (Sanitary District). The complaint concerns the Sanitary District's wastewater treatment plant and collection system (Facility) located at 501 Dipper Lane, Decatur in Macon 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 stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that the Sanitary District violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), by releasing wastewater that contained a high level of chlorine from the Facility into the Sangamon River, causing a fish kill downstream of the release.

On June 17, 2014, the People and the Sanitary District 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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 the *Herald & Review* on July 17, 2014. 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) (2012); 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. 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 the Sanitary District 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) (2012)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The Sanitary District admits to the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2012)), which may mitigate or aggravate the civil penalty amount. The Sanitary District agrees to pay a civil penalty of \$5,000. The People and the Sanitary District 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 Sanitary District must pay a civil penalty of \$5,000 by September 22, 2014, which is the first business day following the 30th day after the date of this order. The Sanitary District 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 number, case name, and the Sanitary District's federal employer identification number must be included on the certified check or money order.
- 3. The Sanitary District 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

The Sanitary District must send a copy of the certified check or money order and any transmittal letter to:

Thomas H. Shepherd Illinois Attorney General's Office 69 West Washington Street, Suite 1800 Chicago, IL 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) (2012)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2012)).

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) (2012); see also 35 III. 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 III. 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 III. Adm. Code 101.520; see also 35 III. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 21, 2014, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board

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