## ILLINOIS POLLUTION CONTROL BOARD July 10, 2014

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 14-135 (Enforcement – Water)
SANITARY DISTRICT OF DECATUR,	)	(Emorcement – Water)
an Illinois municipal authority,	)	
Respondent.	)	

## 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 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 (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, simultaneously with the People's complaint, 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). Under the proposed stipulation, the Sanitary District admits to the alleged violation and agrees to pay a civil penalty of \$5,000.

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) (2012); 35 III. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 10, 2014 by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board