June 16, 2016

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 16-109
VILLAGE OF LAKEMOOR, a municipal)	(Enforcement - water)
corporation,)	
Respondent.)	

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

On June 8, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against the Village Of Lakemoor (Lakemoor). The complaint concerns Lakemoor's municipal separate storm sewer system that discharges into Sullivan Lake, Likely Lake, Lake Louette, and several other unnamed lakes and tributaries in Lake and McHenry Counties. 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 complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that Lakemoor violated Section 12(f) of the Act and Section 309.102(a) of the Board's water pollution regulations, by the failing to comply with its NPDES Permit. 415 ILCS 5/12(f) (2014); 35 Ill. Adm. Code 309.102(a). The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

Simultaneously with the People's complaint, the People and Lakemoor 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) (2014). This filing is authorized by Section 31(c)(2) of the Act, 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. 415 ILCS 5/31(c)(2) (2014); *see* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Lakemoor does not affirmatively admit the alleged violation and agrees to pay a civil penalty of \$7,100.

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) (2014); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 16, 2016, by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board

In T. Therrian