

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
)
 Complainant,)
)
 v.) PCB 94-220
) (Enforcement)
)
 CITY OF GILLESPIE, MACOUPIN)
 COUNTY; JOHN CRAWFORD, d/b/a)
 KNOTSMAN CRAWFORD ASSOCIATES;)
 AND H & H MECHANICAL AND)
 ELECTRICAL CONTRACTORS, INC.,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board upon a seven-count complaint filed August 12, 1994, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency, and the People of the State of Illinois, against the City of Gillespie, John Crawford, d/b/a Knostman Crawford Associates; and H & H Mechanical and Electrical Contractors, Incorporated.¹

The complaint alleges that the Respondents have violated NPDES Permit No. IL0022497, Agency Permit No. 1988-SC-2322, Section 12(a), (b), and (f) of the Environmental Protection Act (Act), (415 ILCS 5\12(a), (b), and (f))(1992)) and 35 Ill. Adm. Code 309.102(a), 302.203, 302.212 (e) and 304.106 by the unpermitted cutting of the berm, failing to notify or report to the Agency the incident, by causing or allowing the discharge of effluent of color above obvious levels, causing or allowing the discharge of the treatment plant's receiving stream to become discolored and odorous, and by causing or allowing effluent from cells #3 and #4 to enter Bear Creek.

On December 8, 1994, the parties filed a stipulation and proposal for settlement as to the City of Gillespie only, accompanied by a request for relief from the requirements of Section 31(a)(1) of the Act that proposed stipulated settlements

¹ On December 1, 1994, the Board adopted an opinion and order accepting a settlement agreement between the complainant and H & H Mechanical.

be presented at public hearing. (415 ILCS 5/31(a)(1) (1992).) The Board published a notice of the waiver on December 14, 1994; no objection to granting of the waiver was received. Waiver of hearing is hereby granted as to the City of Gillespie only.

The parties filed a stipulation and settlement agreement on December 8, 1994. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. The City of Gillespie admits the alleged violations and agrees to pay a civil penalty of one thousand dollars (\$1,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter, as to the City of Gillespie only.

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and the City of Gillespie, concerning the City of Gillespie's sewage treatment facility located in Macoupin County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) The City of Gillespie, shall pay the sum of one thousand dollars (\$1,000.00) within thirty days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, the City of Gillespie's Federal Employer Identification Number or Social Security Number and that payment is directed to the

Environmental Protection Trust Fund

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) The City of Gillespie shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 11th day of January, 1995, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board