ILLINOIS POLLUTION CONTROL BOARD January 5, 2022

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 23-80 (Enforcement - Water)
VILLAGE OF BROADWELL, an Illinois municipal corporation,)	(Emoreement - water)
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On December 19, 2022, 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 Broadwell. The complaint concerns the Village of Broadwell's public water supply facility located between Prairie Street and Highway County 12 in Broadwell, in Logan 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 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 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that the Village of Broadwell violated the Sections 12(a) and 12(f) of the Act and Sections 305.102(b) and 309.102(a) of the Board's regulations by failing to timely submit Discharge Monitoring Reports to the Illinois Environmental Protection Agency (IEPA) as required under its National Pollutant Discharge Elimination System (NPDES) General Permit and by causing or allowing the discharge of contaminants in violation of the Board's regulations. 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).

On December 19, 2022, simultaneously with the People's complaint, the People and the Village of Broadwell 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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 Village of Broadwell admits the alleged violations and agrees to pay a civil penalty of \$1,500.

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 comment or 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) (2020); 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 January 5, 2023, by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown