

ILLINOIS POLLUTION CONTROL BOARD

September 21, 2023

PEOPLE OF THE STATE OF ILLINOIS,                )  
  )  
  )  
Complainant,   )  
  )  
  )  
v.    ) PCB 22-34  
  ) (Enforcement - Water)  
CITY OF HOOPESTON, an Illinois municipal        )  
corporation,    )  
  )  
Respondent.    )

ORDER OF THE BOARD (by M. Gibson):

On January 13, 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 City of Hoopeston (City). The complaint concerns the City's publicly-owned treatment works located at South Sixth Avenue in Hoopeston, Vermilion County (facility). On February 15, 2022, the City filed a motion to dismiss the complaint. The People filed seven motions for extension of time to respond to the City's motion to dismiss. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint, finds the motion to dismiss moot, 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 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that the City violated the Act and Board regulations as follows:

Count I: Section 12(f) of the Act (415 ILCS 5/12(f) (2022)) and Section 309.102(a) and 309.104(a) of the Board's National Pollutant Discharge Elimination System (NPDES) Regulations (35 Ill. Adm. Code 309.102(a), 309.104(a)) by causing, threatening, or allowing the discharge of a contaminant into waters of the State.

Count II: Section 12(f) of the Act (415 ILCS 5/9(a) (2022)), Section 305.102(b) and 309.102(a) of the Board's NPDES Regulations (35 Ill. Adm. Code 305.102(b), 309.102(a)), and Special Conditions 14 and 15 of the City's NPDES Permit by causing, threatening, or allowing the discharge of a contaminant into waters of the State.

On August 16, 2023, the People and the City 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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

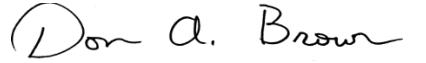
hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the City does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$500.

Since the People and the City filed a stipulation and proposed settlement, the Board finds that the City's motion to dismiss is moot. 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).

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 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) (2022); 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 September 21, 2023, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board