

ILLINOIS POLLUTION CONTROL BOARD
February 15, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 00-171
) (Enforcement – Water)
CITY OF CHARLESTON,)
)
Respondent.)

ORDER OF THE BOARD (by N.J. Melas):

On April 6, 2000, the People of the State of Illinois (People) filed a four-count complaint against respondent City of Charleston (Charleston). The complaint alleges Charleston caused water pollution, created a water pollution hazard, discharged without a permit, created offensive conditions, and caused a pH violation at its water treatment plant located at 2600 McKinley Avenue, Charleston, Coles County, Illinois.

On January 11, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Times-Courier* on January 15, 2001. In the stipulation and proposal for settlement, Charleston agreed to pay a \$25,000 fine.

On January 31, 2001, Lorelei Sims filed a request that a hearing be held in this matter. If a person timely files a demand for hearing, Section 31(a)(2) of the Act (415 ILCS 5/31(a)(2) (1998)) provides that the Board shall deny the request for relief from hearing and hold a hearing in accordance with the provisions of Section 31(c)(1) of the Act. 415 ILCS 31(c)(1) (1998). Sims timely and properly filed a request for hearing within the statutory 21-day notice period. See 415 ILCS 5/31(c)(2) (1998); 35 Ill. Adm. Code 103.300(b)¹.

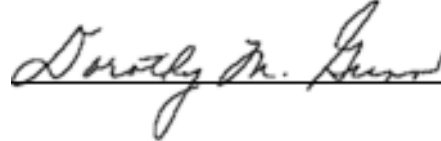
Accordingly, the Board denies the parties' January 11, 2001 request for relief from hearing. The Board directs that this matter proceed to hearing as expeditiously as practicable. The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Act and the Board's procedural rules. It is the responsibility of the hearing officer to guide the parties toward prompt resolution or adjudication of this matter, through whatever status calls and hearing officer orders he determines are necessary and appropriate.

¹ The Board's new procedural rules went into effect on January 1, 2001.

Section 103.304 of the Board's procedural rules allows interested persons at hearing to make statements regarding the alleged violations and the proposed stipulation and settlement agreement. 35 Ill. Adm. Code 103.304. Furthermore, the proposed stipulation and settlement must be entered and presented for the record. See 35 Ill. Adm. Code 103.300(c).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 15th day of February 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board