

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-212
) (Enforcement - Water)
CITY OF KEWANEE, a municipality,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a one-count complaint filed May 23, 1997, by the 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 Kewanee, a municipality, regarding its facility located in Henry County, Illinois. The complaint alleges that the City of Kewanee violated Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (1996)) and 35 Ill. Adm. Code 304.141(a) and 309.102(a) by violating the effluent limits of its National Pollutant Discharge Elimination System (NPDES) permit.

On May 23, 1997, the parties filed a stipulation and settlement agreement and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2)(1996). The Board published a notice of the waiver on June 9, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and settlement agreement sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. The City of Kewanee admits the alleged violations and agrees to pay a civil penalty of \$3,000.

The Board finds the stipulation and settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This stipulation and 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 regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and the City of Kewanee, a municipality,

regarding its facility located in Henry County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

2. The City of Kewanee shall pay the sum of \$3,000 within 30 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, Illinois 62794-9276

The certified check or money order shall indicate the City of Kewanee's federal employer identification number 36-6005945 and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by first class mail to:

Thomas S. Gozdzik
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), 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.

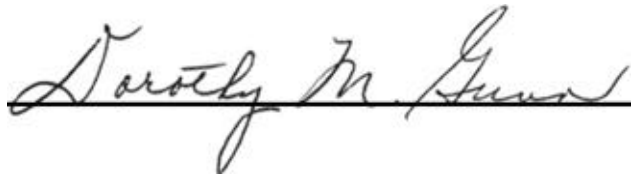
3. The City of Kewanee shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions 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 10th day of July 1997, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board