

ILLINOIS POLLUTION CONTROL BOARD
May 6, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-104
)	(Enforcement – Water)
CITY OF WAUKEGAN, a municipal)	
corporation,)	
)	
Respondent.)	

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

On January 5, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against City of Waukegan, a Municipal Corporation (Waukegan). See 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The People allege that Waukegan violated Sections 12(a), (c), and (f) of the Act, and Sections 304.141(b), 306.102(a), 306.304, 306.305(c), and 309.102(a) of the Board's water pollution violations. 415 ILCS 5/12(a), (c), and (f) (2002); 35 Ill. Adm. Code 304.141(b), 306.102(a), 306.304, 306.305(c), and 309.102(a). The People further allege that Waukegan violated these provisions by discharging untreated sewage into a drainage ditch. The complaint concerns Waukegan's sewage lift station located at 4200 West McGaw Road, City of Waukegan, Lake County.

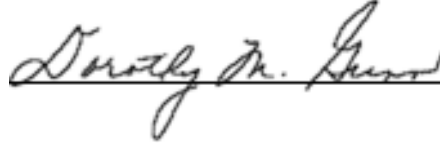
On August 23, 2001, the Board entered summary judgment in favor of the People and against Waukegan on counts I, II, and IV (415 ILCS 5/12(a), (c), and (f) (2002); 35 Ill. Adm. Code 304.141(a), 306.102(a), and 309.102(a)). As to count III, the Board found that respondent violated Section 12(a) of the Act and Section 306.304 of the Board's regulations, but that Section 306.305(c) of the Board's regulations did not apply. The Board directed the parties to proceed to hearing on the issue of remedy.

On April 26, 2004, the People and Waukegan 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Waukegan agrees to pay a civil penalty of \$25,000.

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 21 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. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 6, 2004, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board