

ILLINOIS POLLUTION CONTROL BOARD  
January 19, 2006

PEOPLE OF THE STATE OF ILLINOIS,     )  
   )  
      Complainant,                             )  
   )  
      v.   )     PCB 04-201  
   )     (Enforcement - Air)  
SOUTHERN ILLINOIS POWER                    )  
COOPERATIVE, an Illinois not-for-profit    )  
corporation,                                    )  
   )  
      Respondent.                             )

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

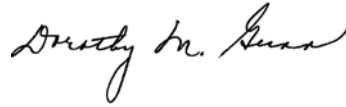
On May 18, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Southern Illinois Power Cooperative (SIPC). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that SIPC violated Sections 9(b) and 9.1(b) and (d) of the Environmental Protection Act (Act) (415 ILCS 5/9(b) and 9.1(b) and (d) (2004)); 40 C.F.R. 60.7, 60.11(d), 60.42(a)(2), and 60.43(a)(2); and special conditions 1(b) and (c) and 4 of operating permit number 80010054 by failing to submit required summary reports, excess opacity during operation, excess sulfur dioxide emissions, and failure to maintain and operate a unit consistent with good air pollution control practices. The complaint concerns SIPC's fossil fuel-fired power generating facility at 11543 Lake of Egypt Road, Marion, Williamson County.

On January 12, 2006, the People and SIPC 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) (2004). This filing is authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004); *see* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, SIPC does not admit the alleged violations and agrees to pay a civil penalty of \$48,000.

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) (2004); 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 January 19, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board