ILLINOIS POLLUTION CONTROL BOARD
February 16, 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.	)	

OPINION AND 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 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Marion Daily Republican* on January 16, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of SIPC's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and SIPC have satisfied Section 103.302. SIPC does not admit the alleged violations and agrees to pay a civil penalty of $48,000. The Board accepts the stipulation and proposed settlement.

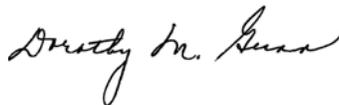This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1.   The Board accepts and incorporates by reference the stipulation and proposed settlement.

2.   SIPC must pay a civil penalty of $48,000 no later than Monday, March 20, 2006, which is the first business day after 30th day after the date of this order. SIPC must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and SIPC's social security number or federal employer identification number must be included on the certified check or money order.

3.   SIPC must send the certified check or money order to:

> Illinois Environmental Protection Agency
> Fiscal Services Division
> 1021 North Grand Avenue East
> P.O. Box 19276
> Springfield, Illinois 62794-9276

4.   Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).

5.   SIPC must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 16, 2006, by a vote of 4-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board