

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2006

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 07-4  
) (Enforcement - Water)  
VILLAGE OF TINLEY PARK, )  
)  
Respondent. )

ORDER OF THE BOARD (by G.T. Girard):

On July 19, 2006, the Office of the Attorney General, on her own motion and at the request of the People of the State of Illinois (People), filed a six-count complaint against Village of Tinley Park. See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. Accompanying the complaint was a stipulation and proposal for settlement. The complaint concerns the discharge of 5,000 gallons of sewage through a crack in Village of Tinley Park's sewage main at 171st Street and 80th Avenue, in Tinley Park, Cook County into Midlothian Drainage Ditch.

The People allege that Village of Tinley Park violated Sections 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d), and (f) (2004)) and 35 Ill. Adm. Code 302.203, 304.105, 304.106, 306.102, 306.304, and 309.102(a). The People further allege that the Village of Tinley Park violated these provisions by (1) causing, threatening, or allowing gray sediment to accumulate in a drainage ditch, thereby causing, threatening, or allowing water pollution; (2) depositing raw sewage on land in a way that created a water pollution hazard; (3) causing, threatening, or allowing the deposit of pollutants into waters of the State without a National Pollutant Discharge Elimination System permit; (4) causing or allowing a discharge of untreated sewage that resulted in a violation of the water quality standard; (5) causing or allowing a threatening an offensive discharge containing settleable solids and having an offensive odor into the waters of the State; and (6) failing to employ appropriate preventative measures so as to cause the discharge of untreated sewage into waters of the State.

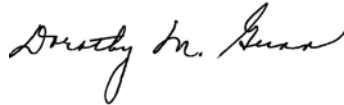
On July 19, 2006, the People and Village of Tinley Park filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Village of Tinley Park neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$14,000. The Village of Tinley Park further agrees to undertake a supplemental environmental project (SEP) that has an approximate value of \$30,000. The SEP will involve restoration and stabilization of the stream bank along Midlothian Creek in the areas of Gentry Lane and Lakewood Drive in the Edgewater Walk subdivision, to improve water quality in the Little Calumet watershed. The SEP involves stabilizing 400 feet of stream bank

and the removal of litter from 2,000 feet of stream. The project will include regrading the banks, placing riprap on slopes, and placing native vegetation.

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 August 4, 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