

ILLINOIS POLLUTION CONTROL BOARD
May 16, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-212
)	(Enforcement - Water)
)	
EGYPTIAN COMMUNITY SCHOOL)	
DISTRICT UNIT #5,)	
)	
Respondent.)	

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

This matter comes before the Board upon a four-count complaint filed April 8, 1996, 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 Egyptian Community School District Unit #5 (District) regarding its water treatment facility located at Rural Route #1, Tamms, Alexander County, Illinois. The complaint alleges that the District has violated Sections 12(a) and 12(f) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/12(a), 5/12(f) (1994)) and 35 Ill. Adm. Code 304.106, 305.102(b), 306.102(a), and 312.101 by causing or allowing water pollution, failure to comply with reporting requirements, and violation of special conditions of NPDES Permit No. IL0047104.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on April 8, 1996. The Board published a notice of the waiver on April 11, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on April 8, 1996. The Stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. The District admits the alleged violations and agrees to pay a civil penalty of five hundred dollars (\$500.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This 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 pollution control 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 District. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) The District shall pay the sum of five hundred dollars (\$500.00) 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, IL 62794-9276

The certified check or money order shall clearly indicate on its face the District's Federal Employer Identification Number 370841292 and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), 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 District shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board