

ILLINOIS POLLUTION CONTROL BOARD
December 18, 2008

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 08-102 |
| |) | (Enforcement – Water) |
| CITY OF COFFEEN, an Illinois municipal |) | |
| corporation, |) | |
| |) | |
| Respondent. |) | |

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

On September 23, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an amended three-count complaint against the City of Coffeen, an Illinois municipal corporation (Coffeen). The complaint concerns the operation of Coffeen’s wastewater treatment plant in Montgomery County. The People and respondent now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that Coffeen violated Sections 12(a), (f), 18 and 19 of the Act (415 ILCS 5/12(a), (f), 5/18, 5/19 (2006)), Section 305.102(b) of the Board’s water pollution regulations (35 Ill. Adm. Code 305.102(b)), Section 611.831 and 653.605 of the Board’s Public Water Supplies Regulations, 35 Il.Adm.Code 611.831, 653.605, and specified terms and conditions of Coffeen’s National Pollutant Discharge Elimination System (NPDES) permit. The People allege that Coffeen violated these provisions by (1) failing to submit or timely submit Discharge Monitoring Reports as required by its NPDES permit; (2) failing to take samples as required by its NPDES permit; and (3) failing to submit monthly operating reports for the months of March, April and May 2008. The People ask the Board to order Coffeen to cease and desist from further violations and pay civil penalties.

On December 9, 2008, the People and Coffeen 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Coffeen does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$ 1,890.

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. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 18, 2008, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board