



Count II alleges that Pekin violated Section 12(f) of the Act (415 ILCS 5/12(f) (2006)) and Section 309.102(a) of the Board's Water Pollution Regulations by failing to sample each of the WWTP's permitted outfalls as required, and discharging contaminants into waters of the State in violation of the terms of its NPDES permit. Count II also alleges that Pekin violated Section 306.102 of the Board's Water Pollution Regulations by allowing bypasses and overflows of untreated wastewater. Finally, Count II alleges that Pekin violated Section 12(a) of the Act (415 ILCS 5/12(a) (2006)) by discharging contaminants into waters of the State so as to violate standards adopted by the Board under the Act.

Count III alleges that Pekin violated Section 304.106 of the Board's Water Pollution Regulations by causing or allowing the discharge of effluent. Such discharge resulted in violations of water quality standards, thereby violating Sections 302.203 and 304.105 of the Pollution Control Board's Water Pollution Regulations, and Section 12(a) of the Act. Count III further alleges that Pekin violated Section 12(a) of the Act (415 ILCS 5/12(a) (2006)) by causing or allowing the discharge of contaminants in such a manner as to cause or threaten water pollution.

On January 13, 2009, the People and Pekin 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, Pekin neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$65,000.00.

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 January 22, 2009, by a vote of 5-0.



---

John Therriault, Assistant Clerk  
Illinois Pollution Control Board