## ILLINOIS POLLUTION CONTROL BOARD November 18, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 11-20
CITY OF COLCHESTER, an Illinois	)	(Enforcement - Water)
municipal corporation,	)	
Respondent.	)	

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

On November 8, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against the City of Colchester (Colchester), which is located approximately seven miles west of Macomb in McDonough County. The complaint concerns Colchester's sewage treatment plant and overflows that occurred at Colchester's Bishop Street, Cole Street, and North Street lift stations in association with a 2.5-inch rainfall. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Colchester violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2008)); Sections 304.141(a), 306.102(a), 306.102(b), 306.304, and 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 304.141(a), 306.102(a), 306.102(b), 306.304, 309.102(a)); and special condition 11 of Colchester's National Pollutant Discharge Elimination System (NPDES) permit. According to the complaint, respondents violated these provisions by (1) causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution; (2) depositing contaminants upon the land so as to create a water pollution hazard; (3) causing or allowing the Cole Street Lift Station to overflow; (4) causing, threatening, or allowing the discharge of contaminants into waters of the State in violation of the NPDES permit; (5) failing to construct and operate the treatment works so as to minimize violations of applicable standards during contingencies; and (6) failing to take reasonable measures to prevent the spillage of contaminants from causing water pollution. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. See 35 Ill. Adm. Code 103.204(c).

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On November 8, 2010, simultaneously with the People's complaint, the People and Colchester 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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). The proposed stipulation states that an estimated 300,000 gallons of sanitary wastewater was discharged from the three lift stations. Under the proposed stipulation, Colchester admits the alleged violations and agrees to pay a civil penalty of \$5,346 and complete specified improvements.<sup>1</sup>

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) (2008); 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 November 18, 2010, by a vote of 4-0.

John Therriault, Assistant Clerk

In T. Therrian

Illinois Pollution Control Board

<sup>&</sup>lt;sup>1</sup> Two of the stipulation's deadlines relating to construction had passed before the stipulation was filed or fully executed. *See* Stipulation at 9, 13.