

ILLINOIS POLLUTION CONTROL BOARD
July 16, 2020

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 20-92
)	(Enforcement - Water)
THE CITY OF CHICAGO, an Illinois)	
municipal corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On June 17, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against the City of Chicago, an Illinois municipal corporation. The complaint concerns the City of Chicago’s water treatment plant located at 3300 East Cheltenham Place in Chicago, Cook County. 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.

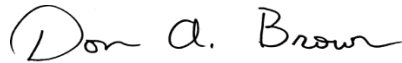
Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that the City of Chicago violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a) and 12(f) (2018)) and Section 309.104(a) of the Board Water Pollution Regulations (35 Ill. Adm. Code 309.104(a)) through late renewal of a National Pollutant Discharge Elimination System (NPDES) permit and failure to submit discharge monitoring reports (DMRs). 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).

On June 17, 2020, simultaneously with the People’s complaint, the People and the City of Chicago 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, the City of Chicago neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$8,100.

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 comment or demand for hearing within 30 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) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 16, 2020, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board