

ILLINOIS POLLUTION CONTROL BOARD
January 7, 2021

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 21-42
)	(Enforcement - Water)
CITY OF COLONA, an Illinois municipal)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.M. Santos):

On December 15, 2020, 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 Colona (Colona). The complaint concerns Colona’s property located at 4356 Poppy Garden Road in Colona, Henry 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 Colona violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), (f) (2018)), Sections 305.102(b), 309.102(a), and 309.104(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 305.102(b), 309.102(a), 309.104(a)) and Special Conditions 2, 6, 14, 15, 16, and 21 of its National Pollutant Discharge Elimination System (NPDES) Permit No. IL0059757.

The People allege that Colona committed these violations by failing to comply with reporting requirements, failing to timely apply for reissuance of its NPDES permit, and discharging contaminants without an NPDES permit.

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).

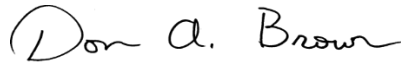
On December 15, 2020, simultaneously with the People’s complaint, the People and Colona filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2018)). This filing is authorized by Section 31(c)(2) 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, Colona admits the alleged violations and agrees to pay a civil penalty of \$4,914.

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 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 January 7, 2021, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board