

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by KWAME RAOUL, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 v.)
)
 VILLAGE OF ROBBINS, a municipal)
 corporation,)
)
 Respondent.)

PCB No. _____
 (Enforcement – Water)

NOTICE OF FILING OF THE COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT, AND MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT INVOLVING NPDES PERMIT MATTER

TO: All Individuals Named on the Certificate of Service (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that on the 12th day of January 2021, I caused to be filed with the Office of the Clerk of the Illinois Pollution Control Board (Board) by electronic filing the (1) Complaint, (2) Stipulation and Proposal for Settlement and (3) Motion for Relief from Hearing Requirement with Notice of Electronic Service, a copy of each is attached hereto and hereby served upon you.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

NOTIFICATION – Pursuant to Section 103.300(b) of the Board Procedural Rules, 35 Ill. Adm. Code 103.300(b), where a National Pollutant Discharge Elimination System (NPDES) permit is involved in the settlement, any person may file with the Clerk a written comment or demand for

hearing within 30 days after publication by the Board. The written demand for hearing must state that a public hearing is requested and must indicate the assigned Board Docket number and respondent's name in the matter. **This settlement involves an NPDES permit.**

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL
Attorney General of the State of Illinois

By: /s/ Karen W. Howard
KAREN W. HOWARD
Assistant Attorney General
Environmental Bureau North
69 W. Washington Street, Suite 1800
Chicago, IL 60602
(312) 814-5361
Primary: khoward@atg.state.il.us
Secondary: mcacaccio@atg.state.il.us

CERTIFICATE OF SERVICE

I, KAREN W. HOWARD, an Assistant Attorney General, do certify that on January 12, 2021, I caused to be served by electronic mail with receipt notification requested to each of the individuals listed below on this certificate of service, the Notice of Filing, Complaint, Motion for Request Relief from Hearing, and Stipulation and Proposal for Settlement.

/s/ Karen W. Howard
KAREN W. HOWARD

SERVICE LIST

Felicia Frazier
ODELSON, STERK, MURPHEY, FRAZIER & McGRATH, LTD.
3318 West 95th Street
Evergreen Park, Illinois 60805
ffrazier@osmf.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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VILLAGE OF ROBBINS, a municipal)
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(Enforcement – Water)

COMPLAINT

Complainant, the PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, the VILLAGE OF ROBBINS, a municipal corporation, as follows:

**DISCHARGING WITHOUT A NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT**

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against the VILLAGE OF ROBBINS, a municipal corporation, pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2018).

2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018), and charged with, *inter alia*, the duty of enforcing the Act. The Illinois EPA is further charged with the duty to abate violations of the National Pollutant

Discharge Elimination System (“NPDES”) permit program under the Federal Clean Water Act (“CWA”), 33 U.S.C. § 1342(b)(7).

3. At all times relevant to this Complaint, Respondent, the VILLAGE OF ROBBINS (“ROBBINS”), is and has been a municipal corporation duly organized and existing under the laws of the State of Illinois.

4. ROBBINS has a population of approximately 5,300 citizens and is located in the Southwestern suburbs of Chicago, Cook County, Illinois.

5. ROBBINS is the owner and operator of a small municipal separate storm sewer system (“MS4”).

6. Approximately 1.5 square miles of land drains into ROBBINS’ MS4.

7. The receiving waters for ROBBINS’ MS4 include the Calumet-Saganashkee (“Cal-Sag”) Channel and Midlothian Creek.

8. On March 10, 2003, the Illinois EPA received ROBBINS’ Notice of Intent to obtain coverage under the General NPDES MS4 permit.

9. The Illinois EPA issued ROBBINS NPDES Permit No. ILR400239 (“NPDES MS4 Permit”), providing coverage for ROBBINS’ storm water discharges under the General NPDES MS4 permit.

10. On February 29, 2008, ROBBINS’ NPDES MS4 Permit expired.

11. On or about January 16, 2015, the Illinois EPA conducted a Compliance Evaluation Inspection of the ROBBINS MS4 program at the ROBBINS Public Works garage, including evaluation of ROBBINS’ permit, records, reports and facility. During the inspection, it was noted that ROBBINS had failed to renew its NPDES MS4 Permit, did not have a storm water

management program, and lacked best management practices to control the contamination of storm water discharges, as required by the NPDES MS4 program.

12. On October 1, 2015, an Illinois EPA follow-up inspection took place of the ROBBINS Public Works garage. None of the previously identified NPDES MS4 Permit issues had been resolved by ROBBINS.

13. On August 3, 2020, ROBBINS submitted to the Illinois EPA a renewal application for its NPDES MS4 Permit. And on August 5, 2020, the Illinois EPA issued to ROBBINS the Notice of Coverage under General Permit No. ILR400239.

14. The United States Environmental Protection Agency (“USEPA”) administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State. The USEPA has authorized the State of Illinois to issue NPDES permits through the Illinois EPA in compliance with federal regulations, including storm water discharges regulated by 40 C.F.R. 122.26 and 40 C.F.R. 122.32, which require small MS4 operators to obtain an NPDES permit to lawfully discharge storm water.

15. The CWA regulates storm water discharges from sewer systems and prohibits such storm water discharges without an NPDES permit.

16. ROBBINS’ operation of its MS4 is subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board (“Board”). The Board’s regulations for water pollution are found in Title 35, Subtitle C, Chapter I of the Illinois Administrative Code (“Board Water Pollution Regulations”).

17. Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2018), provide as follows:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

* * *

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

18. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

19. ROBBINS, a municipal corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

20. Section 3.165 of the Act, 415 ILCS 5/3.165 (2018), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

21. Storm water is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2018).

22. Section 3.550 of the Act, 415 ILCS 5/3.550 (2018), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

23. The waters within ROBBINS’ MS4, the Cal-Sag Channel, and the Midlothian Creek constitute “waters” of the State of Illinois as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2018).

24. Section 3.545 of the Act, 415 ILCS 5/3.545 (2018), provides as follows:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

25. The discharge of storm water within its MS4 coverage area without a permit will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life, and therefore constitutes “water pollution,” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2018).

26. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

NPDES Permit Required

- a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

27. Section 1362(14) of the CWA, 33 U.S.C.A. § 1362(14) (2018), provides, in pertinent part, the following definition:

- (14) The term “point source” means any discernible, confined, and discrete conveyance, . . .

28. The ROBBINS’ MS4 storm water system and the inlets leading into the Cal-Sag Channel and the Midlothian Creek are each a discernible, confined and discrete conveyance, and therefore each constitutes a “point source,” as that term is defined in Section 1362(14) of the CWA, 33 U.S.C.A. Sec. 1362(14).

29. From at least March 1, 2008 through August 4, 2020, ROBBINS discharged storm water, a contaminant, from its MS4, a “point source,” into waters of the State.

30. From at least March 1, 2008 through August 4, 2020, ROBBINS unlawfully discharged storm water, a contaminant, into the waters of the State from ROBBINS’ MS4 after the expiration of ROBBINS’ NPDES MS4 Permit.

31. By failing to timely renew its NPDES MS4 Permit and continuing to discharge storm water into its MS4 without a permit, ROBBINS violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

32. By violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), with its discharge of storm water from its MS4 coverage area into waters of the State without a valid permit authorizing such discharge, ROBBINS also caused or tended to cause water pollution in Illinois in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018).

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, VILLAGE OF ROBBINS, as follows:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and (f) (2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

3. Ordering the Respondent to cease and desist from any future violations of Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and (f) (2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

4. Assessing, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2018), against the Respondent a civil penalty of (a) Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of such violation; and (b) Ten Thousand Dollars (\$10,000.00) per day for each day of violation of Section 12(f) of the Act and any regulation relating to NPDES permit program;

5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action;

6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney
General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: 
STEPHEN J. SYLVESTER, Chief
Assistant Attorney General
Environmental Bureau

OF COUNSEL:

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KATHRYN A. PAMENTER
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General of the State of Illinois,)	
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Complainant,)	
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v.)	PCB No. _____
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VILLAGE OF ROBBINS, a municipal)	
corporation,)	
)	
Respondent.)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT
AND NOTICE OF ELECTRONIC SERVICE**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2018), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2018). In support of this Motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and (f) (2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), for operating without a NPDES MS4 Permit.
2. Complainant is filing the Complaint with the Board simultaneously with this Motion and a Stipulation and Proposal for Settlement.
3. The Respondent has agreed to accept service of the Complaint via electronic mail.
4. The parties have reached agreement on all outstanding issues in this matter.

5. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

6. Complainant asserts that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully requests relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018). The Respondent has no objection to this motion.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2018).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General
State of Illinois

BY: /s/ Karen W. Howard
Karen W. Howard
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-5361
khoward@atg.state.il.us
Secondary e-mail address: mcacaccio@atg.state.il.us

DATE: January 12, 2021

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney)
General of the State of Illinois,)

Complainant,)

v.)

PCB No. _____
(Enforcement – Water)

VILLAGE OF ROBBINS, a municipal)
corporation,)

Respondent.)

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and Respondent, the VILLAGE OF ROBBINS, a municipal corporation, (collectively, “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2018), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On _____, a Complaint was filed on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), against the Village of Robbins (“Respondent”).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018).

3. At all times relevant to the Complaint, Respondent was and is a municipal corporation duly organized and existing under the laws of the State of Illinois, located in Cook County, Illinois, and the owner and operator of a small municipal separate storm sewer system (“MS4”) with approximately 1.5 square miles of land draining into it and with receiving waters including the Calumet-Saganashkee Channel and Midlothian Creek.

B. Allegations of Non-Compliance

Complainant contends that Respondent violated the following provisions of the Act and Board regulations:

Discharge without a National Pollutant Discharge Elimination System (NPDES) Permit in violation of Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2018), and Section 309.102(a) of the Board’s regulations to control water pollution in Illinois, codified at 35 Ill. Adm. Code, Subtitle C, Chapter 1 (“Board Water Pollution Regulations”), 35 Ill. Adm. Code 309.102(a).

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced in Section I.B. herein.

D. Compliance Activities to Date

On August 3, 2020, Respondent submitted to the Illinois EPA its "Notice of Intent for MS4," for renewal of its coverage under the general NPDES MS4 Permit. On August 5, 2020, the Illinois EPA granted Respondent coverage under General Permit – NPDES Permit No. ILR400239 (the "Issued MS4 Permit").

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent waives as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;

4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened and Illinois EPA's oversight responsibilities under the delegated NPDES program were interfered with by Respondent's failure to comply with NPDES permitting requirements.
2. Respondent's MS4 provides social and economic value to the citizens living within the Village of Robbins.
3. Respondent's MS4 is suitable to the area in which it is located.
4. The timely submission of its "Notice of Intent for MS4" for renewal of its coverage under the general NPDES MS4 Permit was and is technically practicable and economically reasonable.
5. Respondent subsequently complied with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. The duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief there from as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. From at least March 1, 2008 through August 4, 2020, ROBBINS unlawfully discharged storm water, a contaminant, into the waters of the State from ROBBINS' MS4 after the expiration of ROBBINS' NPDES MS4 Permit.
2. From at least March 1, 2008 through August 2, 2020, ROBBINS failed to timely submit its "Notice of Intent for MS4" for renewal of its coverage under the general NPDES MS4 Permit.
3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Ten Thousand Fifty-Two Dollars (\$10,052.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. The Respondent did not self-disclose the alleged violations.

7. The settlement of this matter does not include a supplemental environmental project.

8. The Parties to the Stipulation did not enter into a Compliance Commitment Agreement.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Ten Thousand Fifty-Two Dollars (\$10,052.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2018), interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed

herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payment shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent via email to:

Karen W. Howard
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington, Suite 1800
Chicago, Illinois 60602
khoward@atg.state.il.us

D. Future Compliance

1. Respondent shall timely submit all future "Notices of Intent for MS4" for renewal of its coverage under the general NPDES MS4 Permit.

2. Defendant shall comply with all terms and conditions of the Issued MS4 Permit.

3. On or before June 1 of each year commencing in 2021, Defendant shall submit an Annual Report to the Illinois EPA in accordance with the Act, Board regulations and the Issued MS4 Permit.

4. The Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon Respondent's facilities, including the MS4 and Village of Robbins building at 3327 W. 137th Street, Robbins, IL 60472, which are the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

5. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and Board regulations that were the subject matter of the Complaint.

6. The Respondent shall cease and desist from future violations of the Act and Board regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$10,052.00 penalty, its commitment to cease and desist as contained in Section V.D.6 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on _____. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of

Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), or entity other than the Respondent.

F. Notice and Submittals

Except for payments, the submittal of any notice, report or other document required under this Stipulation, shall be delivered by regular mail and email to the following designated representatives:

As to the Complainant

Karen Howard
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
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KHoward@atg.state.il.us

Amanda Kimmel
Assistant Counsel, Division of Legal Counsel
Illinois Environmental Protection Agency
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P.O. Box 19276
Springfield, Illinois 62794-9276
Amanda.Kimmel@illinois.gov

As to the Respondent

Felicia Frazier
ODELSON, STERK, MURPHEY, FRAZIER & McGRATH, LTD.
3318 West 95th Street
Evergreen Park, Illinois 60805
ffrazier@osmfm.com

Keith Freeman, Village Administrator
Village of Robbins
3327 W. 137th Street
Robbins, IL 60472
kfreeman@robbins-il.corr

G. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

H. Opportunity for Public Comment

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the

Complainant has notified Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

I. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. This Stipulation may be executed by the Parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

JOHN J. KIM, Director
Illinois Environmental Protection Agency

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: *Matthew J. Dunn*
MATTHEW J. DUNN, Chief

BY: *Charles W. Gunnarson*
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 01/08/21

DATE: 01/04/21

VILLAGE OF ROBBINS

BY: *Lyne Ward*
Its: *Maysa*

DATE: 12-11-20