

Service List

For the Respondent

Village of Swansea

c/o Ben Schloesser

bschloesser@swanseail.org

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2018), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. Respondent, Village of Swansea (“Respondent”), is an Illinois municipal corporation located in St. Clair County with approximately 13,430 residents.

5. At all times relevant to this Complaint, Respondent is and was the owner and operator of a publicly-owned treatment works (“POTW”) to treat wastewater generated by both domestic and industrial sources.

6. Respondent’s POTW discharges wastewater into Richland Creek, and other waters of the State better known to the Defendant (“Receiving Waters”).

7. Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), provides as follows:

No person shall:

(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.

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

(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.

9. 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, agency or assigns.

10. Respondent is a “person” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

11. 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.

12. Pollutants found in wastewater runoff and discharged by Respondent’s POTW to the Receiving Waters are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2018).

13. Section 3.550 of the Act, 415 ILCS 5/3.550 (2018), provides as follows:

“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.

14. The Receiving Waters are “waters” as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2018).

15. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), provides the following definition:

The term “point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

16. All locations where Respondent’s POTW discharges to the Receiving Waters are

“point sources” as that term is defined by Section 502 of the C.W.A., 33 U.S.C. § 1362(14).

17. Respondent is required to have an NPDES permit for discharges of wastewater from its POTW into the Receiving Waters pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

18. On November 21, 2014, Illinois EPA reissued to Respondent NPDES Permit No. IL0021181 (“NPDES Permit”), authorizing Respondent to discharge wastewater into the Receiving Waters.

19. Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), provides as follows:

a) Any permittee who wishes to continue to discharge after the expiration date of the NPDES Permit must timely apply for reissuance of the permit.

1) A permittee has submitted a timely application for a new permit when:

A) The permittee submits:

i) an application 180 days prior to the expiration date of the existing permit ...

20. Respondent’s NPDES Permit was scheduled to expire on November 30, 2019.

21. Respondent’s NPDES Permit renewal application was due on June 3, 2019, 180 days prior to the NPDES Permit’s expiration date.

22. On August 29, 2019, the Illinois EPA received Respondent’s NPDES Permit renewal application.

23. As of 180 days prior to the NPDES Permit’s expiration date, June 3, 2019, and continuing through August 29, 2019, Respondent’s POTW discharged wastewater into the Receiving Waters.

24. By failing to timely apply for reissuance of its NPDES Permit, Respondent has violated Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

25. By continuing to discharge wastewater into the Receiving Waters from its POTW, without timely reapplying for reissuance of its NPDES Permit, Respondent has violated Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, VILLAGE OF SWANSEA:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and Board regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and Board regulations;
- D. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of the Act and Board Regulations; and
- E. Granting such other relief as the Board may deem appropriate.

COUNT II
FAILURE TO SUBMIT REPORTS REQUIRED BY NPDES PERMIT

1-18. Complainant realleges and incorporates herein by reference paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count II.

19. Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code

305.102(b), provides as follows:

- (b) Every holder of an NPDES permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

20. Special Condition 12 of the NPDES Permit provides as follows:

During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year provided the period ends within twelve (12) months of the submission date. Submission shall be on forms provided by IEPA titled "Fiscal Report Form For NPDES Permittees."

21. Special Condition 13 of the NPDES Permit provides, in pertinent part, as follows:

The Permittee shall conduct biomonitoring of the effluent from Discharge Number(s) B01.

Biomonitoring

- 3. Reporting – Results shall be reported according to EPA/821-R-02-0212, Section 12, Report Preparation and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory. Reports are due to the IEPA no later than the 16th, 13th, 10th, and 7th month prior to the expiration date of this Permit.

22. Special Condition 15 of the NPDES Permit provides as follows:

For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons, or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31

and July 31 of each year reporting the preceding January through June and July through December interval of sludge disposal operations.

23. Respondent was required to submit its Biosolids Program Report, pursuant to Special Condition 15 of the NPDES Permit, on or before July 31, 2016.
24. Respondent was required to submit its Annual Fiscal Reports, pursuant to Special Condition 12 of the NPDES Permit, on or before January 31, 2017 and January 31, 2019.
25. Respondent was required to submit its Biomonitoring Reports, pursuant to Special Condition 13 of the NPDES Permit, on or before July 31, 2018, October 31, 2018, January 31, 2019, and April 30, 2019.
26. As of July 31, 2016, and continuing through the date of the filing of this Complaint, Respondent's POTW has discharged into the Receiving Waters.
27. On November 7, 2019, Respondent submitted four sampling analysis reports for biomonitoring sampling events.
28. As of the date of the filing of this Complaint, Respondent has not submitted Annual Fiscal Reports for 2017 and 2019 and has not submitted its Biosolids Program Report due on or before July 31, 2016.
29. By failing to timely submit its Biomonitoring Reports, and failing to submit its Annual Fiscal Reports and its Biosolids Program Report, Respondent has violated Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b); Special Conditions 12, 13, and 15 of the NPDES Permit; and Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).
30. By continuing to discharge wastewater into the Receiving Waters from its POTW, without timely submitting its Biomonitoring Reports, and without submitting its Annual Fiscal Reports and Biosolids Program Report, Respondent has violated Section 309.102(a) of the Board

Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a); Special Conditions 12, 13, and 15 of the NPDES Permit; and Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, VILLAGE OF SWANSEA:

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

B. Finding that Respondent has violated the Act, Board regulations, and NPDES Permit, as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act, Board regulations, and NPDES Permit;

D. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of the Act, Board Regulations, and NPDES Permit; and

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E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

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: /s/ Andrew Armstrong
ANDREW B. ARMSTRONG, Chief
Environmental Bureau/Springfield
Assistant Attorney General
ARDC #6282447

Of Counsel
CHRISTINA L. NANNINI
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
(217) 782-9035
christina.nannini@illinois.gov
ARDC #6327367

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. 2021-
)	
VILLAGE OF SWANSEA,)	
an Illinois 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 VILLAGE OF SWANSEA, an Illinois municipal corporation (“Respondent”) (“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. Contemporaneously with the filing of this Stipulation, 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 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. Village of Swansea ("Respondent") is an Illinois municipal corporation located in St. Clair County with approximately 13,430 residents.

4. On November 21, 2014, Illinois EPA issued to Respondent NPDES Permit No. IL0021181 ("NPDES Permit").

5. Respondent's NPDES Permit renewal application was due on June 3, 2019.

6. Respondent failed to timely submit a renewal application and failed to timely apply to Illinois EPA for a waiver.

B. Allegations of Non-Compliance

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

Count I: Failure to Timely Reapply for NPDES Permit
415 ILCS 5/12(f)
35 Ill. Adm. Code 309.102(a)
35 Ill. Adm. Code 309.104(a)

Count II: Failure to Submit Reports Required by NPDES Permit
415 ILCS 5/12(f)
35 Ill. Adm. Code 305.102(a)
35 Ill. Adm. Code 305.102(b)
Special Conditions 12, 13, and 15 of Respondent's NPDES Permit

C. Admission of Violations

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

D. Compliance Activities to Date

On August 29, 2019, Respondent submitted the NPDES Permit renewal application to Illinois EPA, and has since adequately submitted required reports.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise 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 the 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. Illinois EPA received Respondent's NPDES renewal application over two months after it was due. Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations, thereby threatening human health and the environment.

2. There is social and economic value in the existence and operation of the publicly-owned treatment works.

3. Respondent's publicly-owned treatment works is suitable for the area in which it is operated, so long as it is operated in compliance with the Act and Board Regulations.

4. Submitting a NPDES renewal application in a timely manner is both technically practical and economically reasonable.

5. Respondent has subsequently corrected the violations of the Act and Board Regulations alleged in the Complaint.

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 therefrom 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;
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. Illinois EPA received Respondent's NPDES renewal application over two months after it was due and did not receive required reports. The requirement of timely applying for NPDES permit renewal is of significant importance to Illinois EPA's water program.
2. Respondent lacked diligence in submitting required reports and the NPDES permit renewal application in compliance with the Act, Board regulations and applicable federal regulations, but has since submitted required reports and the renewal application.
3. No calculable economic benefit has been derived from the failure to timely submit the NPDES renewal application.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of One Thousand Six Hundred and Twenty Dollars (\$1,620.00) 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. Self-disclosure is not at issue in this matter.

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

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of One Thousand Six Hundred and Twenty Dollars (\$1,620.00) within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

2. Payment of the civil penalty shall be approved by the Village of Swansea's Board ("Approval") prior to the tendering of payment. A copy of the Approval is attached hereto and incorporated by reference into this Stipulation as Exhibit A.

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, 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

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"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services #2
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name and case number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Christina L. Nannini
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. 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 the Board Regulations.

2. Respondent shall comply with all terms and conditions of the NPDES Permits.

3. 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 \$1,620.00 penalty, its commitment to cease and desist as contained in Section V.D.3 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 contemporaneously with this Stipulation. 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, or entity other than the Respondent.

F. Enforcement

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.

G. 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, Complainant reserves the right to withdraw its consent of 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 Complainant has notified Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event Complainant notifies 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.

H. 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.

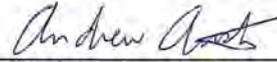
WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

KWAME RAOUL
Attorney General
State of Illinois

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

BY:


ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

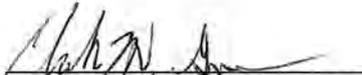
DATE:

04/23/2021

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY:


CHARLES W. GUNNARSON
Chief Legal Counsel

DATE:

4/20/21

VILLAGE OF SWANSEA

BY:

DATE:


3/19/21

VILLAGE OF SWANSEA, ILLINOIS

RESOLUTION NO. 1-2407

A RESOLUTION APPROVING THE SETTLEMENT BETWEEN THE VILLAGE OF SWANSEA AND THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF ILLINOIS, FOR FAILURE TO TIMELY RENEW ITS NPDES PERMIT

ADOPTED BY THE BOARD OF THE TRUSTEES
OF THE
VILLAGE OF SWANSEA

THIS 15th DAY OF March 2021.

Published in pamphlet form by authority of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 15th Day of March, 2021.

Posted	<u>3 / 18 / 2021</u>	By
	<u>SEP</u>	
Initials		
Removed	<u>4 / 1 / 2021</u>	By
	<u>SEP</u>	
Initials		

RESOLUTION NO. 1-2407

A RESOLUTION APPROVING THE SETTLEMENT BETWEEN THE VILLAGE OF SWANSEA AND THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF ILLINOIS, FOR FAILURE TO TIMELY RENEW ITS NPDES PERMIT

WHEREAS, the Village of Swansea and its representatives failed to timely renew its NPDES permit with the IEPA; and
WHEREAS, the Office of the Attorney General of the State of Illinois has filed a complaint against The Village in the matter; and
WHEREAS, after considering mitigating circumstances surrounding the matter and the Village's good standing and record of compliance, The Office of the Attorney General has offered a reduced economic penalty of \$1,620.00 for the violation; and
WHEREAS, the Village now wishes to approve said settlement, a copy of which is attached hereto and incorporated by reference herein as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SWANSEA, ILLINOIS;

Section 1: The above recitals are hereby incorporated into this Resolution as the Board of Trustee's Findings of Fact.

Section 2: The Board of Trustees hereby authorizes the execution of the settlement offered by the Office of the Attorney General of the State of Illinois in response to the Village's failure to timely renew its NPDES Permit, a copy of which is attached hereto and incorporated by reference herein as Exhibit A.

Section 3: That the President of the Board of Trustees and the Village Clerk of the Village of Swansea are hereby authorized and directed to affix their signatures to all applicable paperwork to effectuate said settlement.

Section 4: That this Resolution shall take effect immediately from and after its passage and approval.

Adopted this 15th day of March, 2021, by the Board of Trustees of the Village of Swansea, St. Clair County, Illinois.

Lauren O'Neill
LAUREN J. O'NEILL, VILLAGE CLERK

WELLS	<u>Wells</u>	PARKER	<u>Parker</u>	LANTER	<u>Lanter</u>
MCDONALD	<u>McDonald</u>	MCGUIRE	<u>McGuire</u>	NEUMEYER	<u>Neumeyer</u>

Approved by the President of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 15th day of March, 2021.

Michael W. Leopold
MICHAEL W. LEOPOLD, PRESIDENT
BOARD OF TRUSTEES

ATTEST:
Lauren O'Neill
LAUREN J. O'NEILL, VILLAGE CLERK



STATE OF ILLINOIS}

COUNTY OF ST. CLAIR}

CERTIFICATION

I, Lauren O'Neill, do hereby certify that I am the duly appointed Clerk in and for the Village of Swansea, Illinois.

I further certify that on March 15th, 2021 the Corporate Authorities of the Village of Swansea passed and approved Resolution No. 1-2407 entitled:

A RESOLUTION APPROVING THE SETTLEMENT BETWEEN THE VILLAGE OF SWANSEA AND THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF ILLINOIS, FOR FAILURE TO TIMELY RENEW ITS NPDES PERMIT

The pamphlet form of Resolution No. 1-2407, including the Resolution and a cover sheet thereof was prepared and a copy of such Resolution was posted in the municipal building, commencing on March 18th, 2021 and continuing for at least ten days thereafter. Copies of such Resolution were also available for public inspection upon request in the office of the municipal clerk.

DATED at SWANSEA, Illinois, this 18th day of March, 2021.



Lauren O'Neill, Village Clerk
Village of Swansea, Illinois



STATE OF ILLINOIS }
COUNTY OF ST. CLAIR }

AFFIDAVIT

I, Stefanie Proffitt, an employee of the Village of Swansea, St. Clair County, Illinois, do solemnly affirm that:

A RESOLUTION APPROVING THE SETTLEMENT BETWEEN THE VILLAGE OF SWANSEA AND THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF ILLINOIS, FOR FAILURE TO TIMELY RENEW ITS NPDES PERMIT

was posted at the Swansea Government Center, 1444 Boul Avenue, Swansea, Illinois, commencing on

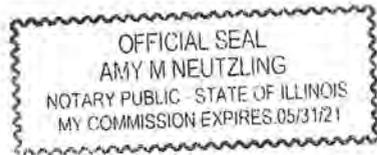
March 18th, 2021, at 4:00 o'clock pm.

Stefanie Proffitt
Written Signature

Subscribed and sworn before me on this 18th day of March 2021.

Amy Neutzling
Notary Public

(Notary Seal)



Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

5. No hearing is scheduled in this matter.
6. Complainant hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018).

Respectfully submitted,

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: /s/ Christina L. Nannini
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Dated: May 5, 2021

CERTIFICATE OF SERVICE

I, Christina Nannini, an Assistant Attorney General, certify that on the 5th day of May, 2021, I caused to be served by Electronic Mail the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirements and Notice of Electronic Service, and Certificate of Service to the party listed below:

Village of Swansea
c/o Ben Schloesser
bschloesser@swanseail.org

/s/ Christina L. Nannini
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