

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.
)	
BEARDSTOWN SANITARY DISTRICT,)	
a unit of local government,)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached service list.

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, copies of which are attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk’s office, or an attorney.

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.

Respectfully submitted,

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

BY: /s/Emma Hudspath
EMMA HUDSPATH
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217)782-9031
emma.hudspath@illinois.gov

Dated: June 25, 2021

Service List

For the Respondent

Beardstown Sanitary District
c/o Wells Peterson
1016 West 6th Street
Beardstown, IL 62618

Gwendolyn M. Thomas
McClure, Thomas & Thomas
114 S. State Street
P.O. Box 170
Beardstown, IL 62618

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, BEARDSTOWN SANITARY DISTRICT, a unit of local government, as follows:

COUNT I
NPDES PERMIT VIOLATIONS

1. This Count 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”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2018), against Respondent BEARDSTOWN SANITARY DISTRICT.

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2018), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

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. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), after providing Respondent, BEARDSTOWN SANITARY DISTRICT (“District”) with notice and opportunity for a meeting with Illinois EPA.

5. The District is a unit of local government established by the City of Beardstown to provide wastewater treatment, located at 1016 West 6th Street, Beardstown, Cass County, Illinois (“Facility”).

6. On February 9, 2015, the Illinois EPA issued the District NPDES Permit No. IL0025135 (“NPDES Permit”), with an expiration date of January 31, 2020. The NPDES Permit regulates the Facility’s outflows into the Illinois River. The NPDES Permit was subsequently modified on March 15, 2018.

7. The renewal application for the NPDES permit was due on August 5, 2019. Illinois EPA did not receive the renewal application until August 22, 2019.

8. Because of the District’s failure to timely submit the renewal application, the NPDES Permit expired January 31, 2020.

9. The Facility’s outflows continued to discharge into the Illinois River following the expiration of the NPDES Permit.

10. 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 of any order adopted by the Board with respect to the NPDES program.

11. Section 401.11(d) of the Code of Federal Regulations (“C.F.R.”), 40 C.F.R. 401.11(d), provides as follows:

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.

12. The outflows used by the Facility are each a “point source,” within the meaning of 40 C.F.R. 401.11(d) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

13. Section 3.550 of the Act, 415 ILCS 5/3.550 (2018), states 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 Illinois River is a water of the State.

15. Section 3.320 of the Act, 415 ILCS 5/3.320 (2018), states as follows:

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

16. The District is a unit of local government, which, as a legal entity, is therefore a “person” as that term is defined in Section 3.320 of the Act, 415 ILCS 5/3.320 (2018).

17. Section 3.165 of the Act, 415 ILCS 5/3.165 (2018), states as follows:

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

18. The wastewater discharges from the District's facility constitute "contaminants" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.320 (2018).

19. Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), provides, in pertinent part, 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. Standard Condition 2 of the NPDES Permit provides, as follows:

- (2) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If a permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, the permit shall continue in full force and effect until the Agency decision on the application has been made.

21. Pursuant to Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), and Standard Condition 2 of the NPDES Permit, the District's deadline for applying for the reissuance of the permit was August 5, 2019.

22. By failing to submit the permit renewal application by August 5, 2019, District violated Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), and Standard Condition 2 of the NPDES Permit.

23. By causing, threatening, or allowing discharges from point sources into a water of the State in violation of Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), and Standard Condition 2 of the NPDES Permit, the District violated 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 the Respondent, BEARDSTOWN SANITARY DISTRICT, on Count I:

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

B. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), and Standard Condition 2 of NPDES Permit No. IL0025135;

C. Ordering Respondent to cease and desist from further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), and Standard Condition 2 of NPDES Permit No. IL0025135;

D. Assessing against Respondent a civil penalty of up to \$10,000.00 for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), and Standard Condition 2 of NPDES Permit No. IL0025135;

E. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

COUNT II
WATER POLLUTION

1-22. Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I as paragraphs 1 through 22 of this Count II.

23. Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), provides 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.

24. By causing, threatening, or allowing the discharge of contaminants into the environment in violation of Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), the District violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, BEARDSTOWN SANITARY DISTRICT, on Count II:

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

B. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), and Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a);

C. Ordering Respondent to cease and desist from further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), and Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), and an additional penalty of up to \$10,000 per day, for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

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
Assistant Attorney General
ARDC #6282447

Emma L. Hudspath
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
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ARDC #6324083
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emma.hudspath@illinois.gov

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MOTION FOR RELIEF FROM HEARING REQUIREMENT

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), (f) (2018), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a).
2. Complainant filed its Complaint contemporaneously with the Stipulation.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.
5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2)

of the Act, 415 ILCS 5/31(c)(2) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this Motion for Relief from 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 of the State of
Illinois

By: /s/ Emma L. Hudspath
Emma L. Hudspath
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701\
ARDC #6324083
Ph: (217) 557-4635
emma.hudspath@illinois.gov

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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 BEARDSTOWN SANITARY DISTRICT (“Respondent”), 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. Concurrently 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. At all times relevant to the Complaint, Respondent is and was a unit of local government established by the City of Beardstown to provide wastewater treatment, located at 1016 West 6th Street, Beardstown, Cass County, Illinois ("Facility").

4. On February 9, 2015, the Illinois EPA issued the District NPDES Permit No. IL0025135 ("NPDES Permit"), with an expiration date of January 31, 2020. The NPDES Permit regulates the Facility's outflows into the Illinois River. The NPDES Permit was subsequently modified on March 15, 2018.

5. Respondent's application for renewal of the NPDES Permit was due on August 5, 2019. Illinois EPA did not receive a renewal application by that date.

B. Allegations of Non-Compliance

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

Count I: NPDES Permit Violations
Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), Section 309.104(a) of the Board Regulations, 35 Ill. Adm. Code 309.104(a), and NPDES Permit No. IL0025135

Count II: Water Pollution
Section 12(a) of the Act, 415 ILCS 5/12(a) (2018)

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

Illinois EPA received the NPDES renewal application on August 22, 2019. On April 14, 2020, Illinois EPA published a 15-day public notice and draft renewed NPDES Permit. On February 10, 2021, Respondent was issued the renewed NPDES Permit.

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. The 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 benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. It was technically practicable and economically reasonable for Respondent to timely submit an application for renewal of the NPDES Permit.
5. Respondent has 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 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. The Respondent failed to timely renew its NPDES Permit, causing the permit to expire on January 31, 2020. A new NPDES Permit was issued on February 10, 2021.
2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified it of its noncompliance.
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 Five Thousand Six Hundred and Seventy Dollars (\$5,670.00) 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 Five Thousand Six Hundred Seventy (\$5,670.00) 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, 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"). Payments 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, Illinois 62702

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 to:

Emma Hudspath
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701

D. Future Compliance

1. Respondent shall comply with all terms and conditions of its NPDES Permit No. IL0025135.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent's facility which is 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.

3. 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.

4. 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 \$5,670.00 penalty, and its commitment to cease and desist as contained in Section V.D.4 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. 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. 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.

G. 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.

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.

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

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: Andrew B. Armstrong
ANDREW B. ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

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

DATE: 06/21/2021

DATE: 6/15/21

RESPONDENT

Gordon Tingley - PRESIDENT SANITARY BOARD

DATE: MAY 17, 2021

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v.)	PCB No.
)	
BEARDSTOWN SANITARY DISTRICT,)	
a unit of local government,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I hereby certify that I did on June 25, 2021, caused to be served by certified mail true and correct copies of the Complaint, Stipulation for Proposal of Settlement, and Motion for Relief from Hearing Requirements:

Beardstown Sanitary District
c/o Wells Peterson
1016 West 6th Street
Beardstown, IL 62618

Gwendolyn M. Thomas
113 S. State Street
P.O. Box 170
Beardstown, IL 62618

/s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this certificate of service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk