

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF  
ILLINOIS,

Complainant,

v.

VILLAGE OF ENFIELD, an Illinois  
municipal corporation,

Respondent.

ORIGINAL

RECEIVED  
CLERK'S OFFICE

SEP 12 2003

STATE OF ILLINOIS  
Pollution Control Board

04-30  
PCB 04-167

NOTICE OF FILING

To: Village of Enfield  
Thomas J. Harbour, Village President  
115 E. Main  
P.O. Box 99  
Enfield, IL 62835

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY:

Sally A. Carter

SALLY A. CARTER  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: September 9, 2003

0-1-S

ORIGINAL  
CERTIFICATE OF SERVICE

RECEIVED  
CLERK'S OFFICE

SEP 12 2003

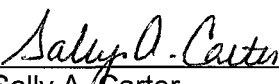
STATE OF ILLINOIS  
*Pollution Control Board*

I hereby certify that I did on September 9, 2003, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:

To: Village of Enfield  
Thomas J. Harbour, Village President  
115 E. Main, P.O. Box 99  
Enfield, IL 62835

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

  
\_\_\_\_\_  
Sally A. Carter  
Assistant Attorney General

This filing is submitted on recycled paper.

**ORIGINAL**  
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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PEOPLE OF THE STATE OF ILLINOIS, )  
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STATE OF ILLINOIS  
Pollution Control Board  
04-30  
PCB NO. ~~01167~~  
(Enforcement)

**COMPLAINT**

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Respondent, VILLAGE OF ENFIELD, as follows:

**COUNT I**

**CONSTRUCTION PERMIT VIOLATIONS**

1. This Complaint is brought on behalf of the People of the State of Illinois, by Lisa Madigan, the Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

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 (2002), and which is charged, inter alia, with the duty of enforcing the Act.

3. The Respondent, Village of Enfield ("Enfield") is an Illinois municipal corporation providing water to approximately 900 people through approximately 364 direct service connections. The Village of Enfield public water supply is located in Enfield, White County,

Illinois. The Village of Enfield obtains water from the Rend Lake Intercities Water System via the Hamilton County Water District.

4. Section 3.315 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/3.315 (2002), provides:

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

5. Section 15 of the Act, 415 ILCS 5/15 (2002), provides as follows:

Owners of public water supplies, their authorized representative, or legal custodians, shall submit plans and specifications to the Agency and obtain written approval before construction of any proposed public water supply installations, changes or additions is started. Plans and specifications shall be complete and of sufficient detail to show all proposed construction, changes, or additions that may affect sanitary quality, mineral quality, or adequacy of the public water supply; and, where necessary, said plans and specifications shall be accompanied by supplemental data as may be required by the Agency to permit a complete review thereof.

6. Section 17(a) of the Act, 415 ILCS 5/17(a) (2002), provides:

The Board may adopt regulations governing the location, design, construction, and continuous operation and maintenance of public water supply installations, changes or additions which may affect the continuous sanitary quality, mineral quality, or adequacy of the public water supply, pursuant to Title VII of this Act.

7. Section 602.101 of the Board Regulations, 35 Ill. Adm. Code 602.101, provides in pertinent part:

a) No person shall cause or allow the construction of any new public water supply installation or cause or allow the change of or addition to any existing public water supply, without a construction permit issued by the Environmental Protection Agency (Agency). Public water supply installation, change, or addition shall not include routine maintenance, service pipe connections, hydrants and valves, or replacement of equipment, pipe and appurtenances with equivalent equipment, pipe, and appurtenances.

8. On May 15, 2000, the Illinois EPA received an anonymous telephone call reporting the installation of an unpermitted water main on the south side of Illinois Route 14 in

the Village of Enfield. A review of the Illinois EPA files indicated that no permits had been issued to Enfield for any extensions to be made along Illinois Route 14.

9. On May 18, 2000, the Illinois EPA representative conducted an inspection in Enfield. The Illinois EPA inspector observed that approximately 2000 feet of water main had been installed on the south side of Illinois Route 14. There were still lengths of the pipe that were used in the extension laying at the end of the construction. The Illinois EPA inspector noted that there was no hydrant on the end of the watermain. The Illinois EPA inspector further observed a meter pit set on the north side of Route 14 and a "service line" was trenched to the house through the corn field.

10. At that time, Enfield's Superintendent of Utilities, Mr. John Smith, stated that the line was constructed without a permit to avoid the cost of hiring an engineer to prepare plans and specifications for submission to the Illinois EPA. Smith stated that Enfield had installed other water mains without obtaining Illinois EPA construction and operating permits, but did not reveal the number or location of those mains. Smith also requested bottles for sampling the water line, and the Illinois EPA inspector directed him to obtain sample bottles from the laboratory used by Enfield.

11. On June 7, 2000, the Illinois EPA issued a Violation Notice ("VN") to Enfield, citing the construction and operation of a water main without Illinois EPA construction and operating permits.

12. In a letter dated July 25, 2000, Enfield responded to the VN stating that it failed to apply for construction and operating permits for the subject water main because it was a "rush job."

13. The Illinois EPA responded in a letter dated August 10, 2000, stating that the Illinois EPA was considering referring this matter for enforcement. On September 27, 2000, the

Illinois EPA issued a Notice of Intent to Pursue Legal Action letter to Enfield for the violations contained in the Violation Notice.

14. The Illinois EPA held a teleconference with Enfield on October 25, 2000. During the teleconference, Enfield's Superintendent of Utilities admitted to constructing the water main and stated that Enfield would submit plans and specifications for the water mains that had been installed and operated without Illinois EPA permits.

15. On June 5, 2000, Brown, Roffmann & Roberts, Inc., Enfield's engineering firm, submitted plans and specifications for 3000 feet of water main installed on Route 14. The Illinois EPA issued As-Built Permit Number 2361-FY2000 on November 30, 2000.

16. On November 30, 2000, Enfield submitted plans and specifications ("Log. No. 2001-1233") for an additional 33,500 of water main that was constructed and operated on Route 14 without Illinois EPA permits, requesting that the Illinois EPA add that water main to Permit Number 2361-FY2000.

17. On December 21, 2000, the Illinois EPA sent a letter to Enfield's engineering firm, stating that additional water mains could not be added to Permit Number 2361-FY2000 and that the Illinois EPA would issue a separate As-Built Permit for the additional 33,500 feet of water main on Route 14 after Enfield submitted plan revisions and sample results for that portion of the water line. The Illinois EPA directed Enfield to sample for bacteriological contamination at all dead ends and at taps located every 2000 feet on the water line.

18. Enfield submitted the required revisions to the plans and specifications but failed to submit bacteriological sample results for the water main. Enfield continues to operate that 33,500-foot portion of the water main on Route 14 without an Illinois EPA permit.

19. By causing or allowing the construction of any new public water supply installation without a construction permit issued by the Illinois EPA, the Village of Enfield has violated 35 Ill. Adm. Code 602.101 and Section 15 of the Act, 415 ILCS 5/15 (2002).

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board grant the following relief:

- A. Find that the Respondent has violated Section 15, of the Act, 415 ILCS 5/15 (2002) and 35 Ill. Adm. Code 602.101;
- B. Order the Respondent to cease and desist from further violation of the Act and associated regulations;
- C. Assess against the Respondent a monetary penalty of up to fifty thousand dollars (\$50,000) for each violation and up to an additional ten thousand dollars (\$10,000) for each day that the violation has continued;
- D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and
- E. Grant such other and further relief as this Board deems appropriate.

**COUNT II**

**OPERATION PERMIT VIOLATIONS BY THE VILLAGE OF ENFIELD**

- 1. This Count is brought by the Attorney General on her own motion.
- 2-18. Complainant realleges and incorporates herein by reference paragraphs 2 through 18 of Count I as paragraphs 2 through 18 of this Count II.
- 19. Section 18(a)(3), 415 ILCS 5/18(a)(3) (2002), provides as follows:  
  
No person shall:

- (3) Construct, install or operate any public water supply without a permit granted by the Agency, or in violation of any condition imposed by such a permit.

20. Section 602.102 of the Board Regulations, 35 Ill. Adm. Code 602.102, which provides as follows:

Operating permits

No owner or operator of a public water supply shall cause or allow the use or operation of any new public water supply, or any new addition to an existing supply, for which a Construction Permit is required under this Part, without an Operating Permit issued by the Agency.

21. By causing or allowing the operation of any new public water supply installation without an operating permit issued by the Illinois EPA, the Village of Enfield has violated 35 Ill. Adm. Code 602.102 and Section 18(a)(3) of the Act, 415 ILCS 5/18(a)(3) (2002).

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board grant the following relief:

- A. Find that the Respondent has violated Section 18(a)(3) of the Act, 415 ILCS 5/18(a)(3) (2002), and 35 Ill. Adm. Code 602.102;
- B. Order the Respondent to cease and desist from further violation of the Act and associated regulations;
- C. Assess against the Respondent a monetary penalty of up to fifty thousand dollars (\$50,000) for each violation and up to an additional ten thousand dollars (\$10,000) for each day that the violation has continued;
- D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and



E. Grant such other and further relief as this Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN  
Attorney General  
State of Illinois

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

BY: 

THOMAS DAVIS, Chief  
Assistant Attorney General  
Environmental Bureau

Of Counsel  
SALLY A. CARTER  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: 9/09/03  
enfieldcomplaint/common

**ORIGINAL**  
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

SEP 12 2003

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

VILLAGE OF ENFIELD, an Illinois municipal  
corporation

Respondent.

STATE OF ILLINOIS  
Pollution Control Board

04-30  
PCB NO. ~~04-167~~  
(Enforcement)

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of the State of Illinois, and pursuant to subsection 32(c)(2) of the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/32(c)(2) (2002), moves that the Illinois Pollution Control Board ("the Board") grant the PEOPLE OF THE STATE OF ILLINOIS and VILLAGE OF ENFIELD, relief from the hearing requirement in the above-captioned matter. In support of this motion, Complainant states as follows:

1. Simultaneously with the filing of this motion, the Complainant is filing a Complaint with the Board, alleging that the Respondent failed to obtain construction and operating permits for new water mains prior to construction and operation of said mains.
2. The People of the State of Illinois and the Respondent, Village of Enfield, have reached agreement on all outstanding issues in this matter.
3. This agreement is memorialized and presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. The parties, the People of the State of Illinois and Village of Enfield agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and request relief from such a hearing as provided pursuant to subsection 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2002).

WHEREFORE, Complainant, People of the State of Illinois, hereby respectfully requests that the Board grant this Motion for Relief from the Hearing Requirement between Village of Enfield and the People of the State of Illinois, as set forth in subsection 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2002).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY: *Sally A. Carter*  
SALLY A. CARTER  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: 9/9/03

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD SEP 12 2003

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Complainant, )

v. )

VILLAGE OF ENFIELD, an Illinois municipal )  
corporation, )

Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB NO. <sup>04-30</sup>~~04-117~~  
(Enforcement)

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, at the request of the Illinois Environmental Protection Agency, and Respondent, Village of Enfield ("Enfield"), and hereby submit this Stipulation and Proposal for Settlement. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced if a full hearing were held. The parties agree that this Settlement is a compromise of a disputed claim. The parties further stipulate that this statement of facts is made and agreed upon for the purposes of settlement only, and that neither the fact that a party has entered into this Stipulation and proposal for settlement, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding except to enforce the terms hereof by the parties to this agreement. Notwithstanding the foregoing, this Stipulation and Proposal for Settlement and any Illinois Pollution Control Board ("Board") order accepting same may be used as a matter of record in any future permitting or enforcement actions to be considered for purposes of Section 42(h) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(h) (2002). This

agreement shall be null and void unless the Board approves and disposes of this matter on each and every one of the terms and conditions of the Settlement set forth herein.

**I.**

**JURISDICTION**

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 *et seq.* (2002).

**II.**

**AUTHORIZATION**

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Proposal for Settlement and to legally bind them to it.

**III.**

**APPLICABILITY**

This Stipulation and Proposal for Settlement shall apply to and be binding upon the Complainant and the Respondent, Village of Enfield, and any officer, director, agent, employee or servant of Respondent, as well as the Respondent's successors and assigns. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Settlement the failure of its officers, directors, agents, servants, or employees to take such action as shall be required to comply with the provisions of this Settlement.

**IV.**

**STATEMENT OF FACTS**

1. The Illinois Environmental Protection Agency ("Illinois EPA") is an

administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act.

2. Respondent, Village of Enfield is an Illinois municipal corporation providing water to approximately 900 people through approximately 364 direct service connections. The Village of Enfield public water supply is located in Enfield, White County, Illinois. The Village of Enfield obtains water from the Rend Lake Intercities Water System via the Hamilton County Water District.

3. On May 15, 2000, the Illinois EPA received an anonymous telephone call reporting the installation of an unpermitted water main on the south side of Illinois Route 14 in the Village of Enfield. A review of the Illinois EPA files indicated that no permits had been issued to Enfield for any extensions to be made along Illinois Route 14.

4. On May 18, 2000, the Illinois EPA representative conducted an inspection in Enfield. The Illinois EPA inspector observed that approximately 2000 feet of water main had been installed on the south side of Illinois Route 14. There were still lengths of the pipe that were used in the extension laying at the end of the construction. The Illinois EPA inspector noted that there was no hydrant on the end of the watermain. The Illinois EPA inspector further observed a meter pit set on the north side of Route 14 and a "service line" was trenched to the house through the corn field.

5. At that time, Enfield's Superintendent of Utilities, Mr. John Smith, stated that the line was constructed without a permit to avoid the cost of hiring an engineer to prepare plans and specifications for submission to the Illinois EPA. Smith stated that Enfield had installed other water mains without obtaining Illinois EPA construction and operating permits, but did not

reveal the number or location of those mains. Smith also requested bottles for sampling the water line, and the Illinois EPA inspector directed him to obtain sample bottles from the laboratory used by Enfield.

6. On June 7, 2000, the Illinois EPA issued a Violation Notice ("VN") to Enfield, citing the construction and operation of a water main without Illinois EPA construction and operating permits.

7. In a letter dated July 25, 2000, Enfield responded to the VN stating that it failed to apply for construction and operating permits for the subject water main because it was a "rush job."

8. The Illinois EPA responded in a letter dated August 10, 2000, stating that the Illinois EPA was considering referring this matter for enforcement. On September 27, 2000, the Illinois EPA issued a Notice of Intent to Pursue Legal Action letter to Enfield for the violations contained in the Violation Notice.

9. The Illinois EPA held a teleconference with Enfield on October 25, 2000. During the teleconference, Enfield's Superintendent of Utilities admitted to constructing the water main and stated that Enfield would submit plans and specifications for the water mains that had been installed and operated without Illinois EPA permits.

10. On June 5, 2000, Brown, Roffmann & Roberts, Inc., Enfield's engineering firm, submitted plans and specifications for 3000 feet of water main installed on Route 14. The Illinois EPA issued As-Built Permit Number 2361-FY2000 on November 30, 2000.

11. On November 30, 2000, Enfield submitted plans and specifications ("Log. No. 2001-1233") for an additional 33,500 of water main that was constructed and operated on Route

14 without Illinois EPA permits, requesting that the Illinois EPA add that water main to Permit Number 2361-FY2000.

12. On December 21, 2000, the Illinois EPA sent a letter to Enfield's engineering firm, stating that additional water mains could not be added to Permit Number 2361-FY2000 and that the Illinois EPA would issue a separate As-Built Permit for the additional 33,500 feet of water main on Route 14 after Enfield submitted plan revisions and sample results for that portion of the water line. The Illinois EPA directed Enfield to sample for bacteriological contamination at all dead ends and at taps located every 2000 feet on the water line.

13. Enfield submitted the required revisions to the plans and specifications but failed to submit bacteriological sample results for the water main. Enfield continued to operate that 33,500-foot portion of the water main on Route 14 without an Illinois EPA permit until July 28, 2003. On that date, the Illinois EPA issued As-Built Permit Number 1233-FY2001.

14. By causing or allowing the construction of any new public water supply installation without a construction permit issued by the Illinois EPA, the Village of Enfield has violated 35 Ill. Adm. Code 602.101 and Section 15 of the Act, 415 ILCS 5/15 (2002).

15. By causing or allowing the operation of any new public water supply installation without an operating permit issued by the Illinois EPA, the Village of Enfield has violated 35 Ill. Adm. Code 602.102 and Section 18(a)(3) of the Act, 415 ILCS 5/18(a)(3) (2002).

## V.

### **COVERED MATTERS**

This Consent Order covers all claims asserted against the Village of Enfield in the Complainant's Complaint concerning violations of the Act, 415 ILCS 5/1 *et seq.* (2002), and the



regulations promulgated thereunder.

Covered matters do not include:

- i) Criminal liability;
- ii) Claims based on the Respondent's failure to meet the requirements of this Consent Order;
- iii) Liability for future violation of state, local, federal, and common laws and/or regulations;
- iv) Any future liability for natural resource damage or for removal, cleanup, or remedial actions as a result of a release of hazardous substances or the liability of the Respondent under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. Sections 9601-9675.

## VI.

### **FUTURE PLANS OF COMPLIANCE**

Respondent shall continue to diligently conform to the Act, 415 ILCS 5/1 *et seq.* (2002), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A and H.

## VII.

### **IMPACT ON THE PUBLIC RESULTING FROM NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2002), provides:

\* \* \*

- c. 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 or 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 state as follows:

1. The injury to, or interference with, the protection of the health, general welfare, and physical property of the People would be characterized as the potential for the contamination of the public water supply and, the degree of injury would be dependent upon the extent of the pollution and the degree of exposure to that pollution;
2. The parties agree that the Village of Enfield's water mains are of social and economic benefit;
3. The Village of Enfield's water mains that are the subject of the Complainant's complaint have been found suitable to the area in which the mains are located by the Illinois EPA for such use in the Village of Enfield;
4. Complying with the Act and regulations is technically practicable and economically reasonable; and
5. The Respondent attained the required As-Built Permit for the 33,500 portion of the water main installation on Route 14 on July 28, 2003.

## **VIII.**

## CONSIDERATION OF SECTION 42(H) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2002), provides:

\* \* \*

- h. in determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of 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 violation;
  - 2. the presence or absence of due diligence on the part of the violator in attempting to comply with the requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
  - 3. any economic benefits accrued by the violator because of delay in compliance with requirements;
  - 4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and
  - 5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

\* \* \*

In response to these factors, the parties state as follows:

- 1. The Respondent caused or allowed the construction of any new public water supply installation without a construction permit issued by the Illinois EPA and caused or allowed the operation of any new public water supply installation without an operating permit issued by the Illinois EPA since at least May 15, 2000, and continued through at least May 21, 2003, and other dates known by Respondent.
- 2. The Respondent attained the required As-Built Permit for the 33,500 portion of the

water main installation on Route 14 on July 28, 2003.

3. The economic benefit accrued by the Respondent's noncompliance is the savings realized by causing or allowing the construction and operation of the public water main installation without a permit issued by the Illinois EPA.

4. The Plaintiff had determined, in this instance, that a settlement of three thousand dollars (\$3,000.00) will serve to deter violations and aid in future voluntary compliance with the Act and applicable regulations.

5. There are not previously adjudicated violations of the Act by the Respondent.

## **IX.**

### **TERMS OF SETTLEMENT**

A. The Respondent admits violations of Sections 15 and 18(a)(3) of the Act, 415 ILCS 5/15 and 18(a)(3) of the Act (2002), 35 Ill. Adm. Code 602.101 and 602.102, and any and all other statutory or regulatory provisions of Illinois law.

B. The Respondent shall pay a settlement of three thousand dollars (\$3,000.00) into the Illinois Environmental Protection Trust Fund within thirty (30) days from the date on which the Pollution Control Board adopts a final order approving this Stipulation and Proposal for Settlement. Payment shall be made by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by first class mail to:

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

Respondent's Federal Employer Identification Number ("FEIN") shall be written upon the certified check or money order. Respondent's FEIN is: 37-0840479.

A copy of the payment transmittal and check shall be simultaneously submitted to:

Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

C. Respondent shall comply with 15 and 18(a)(3) of the Act, 415 ILCS 5/15 and 18(a)(3) of the Act (2002), 35 Ill. Adm. Code 602.101 and 602.102 and shall cease and desist from any violations of other federal, state or local environmental statutes and regulations, including the Act and the Board Rules and Regulations.

**X.**

**COMPLIANCE WITH OTHER LAWS AND REGULATIONS**

This Stipulation and Proposal for Settlement in no way affects the responsibility of Respondent to comply with any federal, state, or local regulations, including but not limited to the Act, 415 ILCS 5/1 *et seq.* (2002), and the Board's Rules and Regulations, 35 Ill. Adm. Code, Subtitles A through H.

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


Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

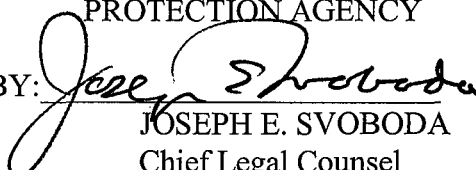
LISA MADIGAN  
Attorney General  
State of Illinois

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

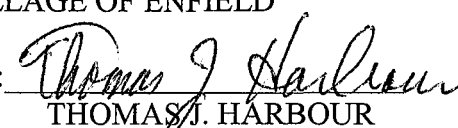
DATED: 9/06/03

BY:   
THOMAS DAVIS, Chief  
Assistant Attorney General  
Environmental Bureau

DATED: 8/26/03

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY  
BY:   
JOSEPH E. SVOBODA  
Chief Legal Counsel  
Division of Legal Counsel

DATED: 9-5-2003

VILLAGE OF ENFIELD  
BY:   
THOMAS J. HARBOUR  
Mayor

STATE OF ILLINOIS  
Pollution Control Board