

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
by <b>KWAME RAOUL, Attorney General</b>	)	
of the State of Illinois,	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No. 2021 -</b>
	)	
<b>CITY OF MOUNT CARMEL,</b>	)	
an Illinois municipal corporation,	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is 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,  
LISA MADIGAN, Attorney General of the State  
of Illinois

By: s/Brian Navarrete  
Brian Navarrete  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 S. Second Street  
Springfield, IL 62701  
bnavarrete@atg.state.il.us

Date: December 30, 2020

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

Service List

For the Respondent

City Of Mount Carmel  
Attn: Mayor Joe Judge  
631 North Market St.  
Mount Carmel, IL 62863  
[rudyw@cityofmtcarmel.com](mailto:rudyw@cityofmtcarmel.com)

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<b>by KWAME RAOUL, Attorney General</b>	)	
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<b>v.</b>	)	<b>PCB No. 2021 -</b>
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<b>CITY OF MOUNT CARMEL,</b>	)	
<b>an Illinois municipal corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

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

**COUNT I**  
**FAILURE TO TIMELY REAPPLY FOR NPDES PERMIT**

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, against Respondent, CITY OF MOUNT CARMEL, an Illinois municipal corporation, on his own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA").

2. 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.

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, CITY OF MOUNT CARMEL, ("Respondent") is an Illinois municipal corporation duly organized and existing under the laws of the State of Illinois with a population of approximately 7,300 people.

5. Respondent owns and operates a sewage treatment plant located at 125 South Division Street, Mount Carmel, Illinois ("STP") that is used to treat wastewater generated by both domestic and industrial sources.

6. Effluent treated at the STP is discharged into the Wabash River through outfalls A01 and B01.

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 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.

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

10. 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.

11. Wastewater discharged by Respondent's STP to the Wabash River is a "contaminant" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2018).

12. 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.

13. The Wabash River is "waters" as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2018).

14. Section 309.102(a) of the Board's 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.

15. Section 301.240 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 301.240, provides as follows:

"CWA" means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., Public Law 92-500 enacted by Congress October 18, 1972 as amended by the "Clean Water Act", Public Law 95-217, enacted December 12, 1977, as amended.)

16. 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.

17. Outfalls A01 and B01, where Respondent's STP discharges to the Wabash River, are "point sources" as that term is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

18. Respondent is required to have an NPDES permit for discharges of wastewater from its STP into the Wabash River pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

19. On November 21, 2014, Illinois EPA reissued NPDES Permit No. IL0030023 ("NPDES Permit") to Respondent, authorizing Respondent to discharge wastewater into the Wabash River from its STP.

20. Section 309.104(a) of the Board's 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 ...

21. Standard Condition 2 of the NPDES Permit provides as follows:

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 the permittee submits a proper application

as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

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

23. Respondent's NPDES Permit expired on November 30, 2019.

24. On November 8, 2019, Respondent submitted all documents required for an NPDES Permit renewal application to the Illinois EPA.

25. Because Respondent submitted the NPDES Permit renewal application in an untimely fashion, the NPDES Permit was not administratively continued after the expiration date.

26. On September 17, 2020, Illinois EPA issued Respondent a NPDES Permit renewal for Respondent's STP.

27. Between November 30, 2019, and September 17, 2020, Respondent discharge wastewater into the Wabash River from its STP without an NPDES Permit.

28. As of 180 days prior to the NPDES Permit's expiration date, June 3, 2019, and as of the date of this filing, Respondent's STP has and is continuing to discharge wastewater into the Wabash River.

29. By failing to timely apply for reissuance of its NPDES Permit, Respondent has violated Section 309.104(a) of the Board's 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).

30. By continuing to discharge wastewater into the Wabash River from its STP without timely reapplying for reissuance of its NPDES Permit, Respondent has violated Section 309.102(a) of the Board's 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, CITY OF MOUNT CARMEL:

- 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. Pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2018), 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**

1-19. Complainant realleges and incorporates herein by reference paragraphs 1 through 19 of Count I as paragraphs 1 through 18 of this Count II.

20. Section 305.102(b) of the Board's 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.

21. Special Condition 6 of the NPDES Permit provides, in pertinent part, as follows:

The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form each outfall each month.



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The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority.

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

During January of each year the Permittee shall submit annual fiscal data regarding sewage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

Submissions shall be on forms provided by IEPA titled "Fiscal Report Form For NPDES PERMITTEES".

23. Special Condition 15 of the NPDES Permit provides, in pertinent part, 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.

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24. Respondent was required to submit monthly Discharge Monitoring Reports, pursuant to Special Condition 6 of the NPDES Permit, beginning on December 25, 2014.

25. Respondent was required to submit Annual Fiscal Reports, pursuant to Special Condition 12 of the NPDES Permit, on or before January 31, 2017, January 31, 2018, and January 31, 2019.

26. Respondent was required to submit Biosolids Program Reports, pursuant to Special Condition 15 of the NPDES Permit, on or before January 31, 2017, July 31, 2017, January 31, 2018, July 31, 2018, January 31, 2019, and July 31, 2019.

27. Respondent failed to timely submit complete and accurate Discharge Monitoring Reports, including monitoring results for all required parameters, during the years of 2017, 2018, and 2019.

28. As of the date of the filing of this Complaint, Respondent has not submitted Annual Fiscal Reports for 2017 and 2019.

29. Respondent failed to timely submit Biosolids Program Reports on or before January 31, 2017, July 31, 2017, January 31, 2018, July 31, 2018, January 31, 2019, and July 31, 2019.

30. On August 30, 2019, Respondent submitted its outstanding Biosolids Program Reports.

31. By failing to submit its Discharge Monitoring Reports, Annual Fiscal Reports, and Biosolids Program Reports, timely and completed, Respondent has violated Section 305.102(b) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b); Special Conditions 6, 12, and 15 of the NPDES Permit; and Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

32. By continuing to discharge wastewater into the Wabash River from its STP, without submitting its Discharge Monitoring Reports, its Annual Fiscal Reports, and its Biosolids Program Reports, timely and completed, Respondent has violated Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a); Special Conditions 6, 12, 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, CITY OF MOUNT CARMEL:

- 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. Pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2018), 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
- 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

BRIAN M. NAVARRETE  
Assistant Attorney General

Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
(217) 782-9035  
bnavarrete@atg.state.il.us  
ebs@atg.state.il.us  
ARDC #6305878

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>by KWAME RAOUL, Attorney General</b>	)	
<b>of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No. 2021 -</b>
	)	<b>(Enforcement - )</b>
<b>CITY OF MOUNT CARMEL,</b>	)	
<b>an Illinois municipal corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**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 CITY of MOUNT CARMEL ("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. On 12-30-2020, 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 was and is an Illinois municipal corporation duly organized and existing under the laws of the State of Illinois with a population of approximately 7,300 people.

4. At all times relevant to the Complaint, Respondent owned and operated a sewage treatment plant located at 125 South Division Street, Mount Carmel, Illinois ("STP") that is used to treat wastewater generated by both domestic and industrial sources.

**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  
Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), and Section 309.104(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a).
- Count II: Failure to Submit Reports Required by an NPDES Permit  
Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), Section 309.102(a) of the Board's Water Pollution Regulations 35 Ill. Adm. Code 309.102(a), and Special Conditions 6, 12, and 15 of the 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 November 8, 2019, Respondent submitted its completed application for an NPDES Permit renewal. On August 19, 2019, Respondent submitted the missing reports to Illinois EPA.

On September 17, 2020, Respondent was issued its 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 STP was and is suitable for the area in which it is located.
4. Respondent was issued an NPDES Permit for its STP.
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 for discharges from the STP and violated reporting provisions of its permit. The violations began on or around January 31, 2017, and Respondent submitted its missing reports on August 19, 2019 and its NPDES Permit renewal application on November 8, 2019.

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 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) days from the date the Board adopts and accepts this Stipulation.

2. Payment of the civil penalty shall be approved by the Respondent's City Counsel ("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**

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:

Brian Navarrete  
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 #....

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 \$1,620.00 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 filed on \_\_\_\_\_.

The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

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

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

**F. Correspondence, Reports and Other Documents**

Any and all correspondence, reports and any other documents required under this

Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

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

Joshua Leopold  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62702

As to the Respondent

Joseph B. Judge  
Mayor  
City of Mt. Carmel  
631 N. Market St.  
Mt. Carmel, IL 62863

Rudy L. Witsman  
City Clerk  
City of Mt. Carmel  
631 N. Market St.  
Mt. Carmel, IL 62863

**G. Enforcement of Stipulation**

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

**H. 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.

**I. 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

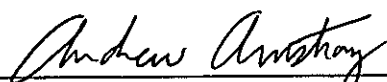
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

KWAME RAOUL  
Attorney General  
State of Illinois

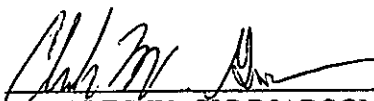
MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY:

  
\_\_\_\_\_  
ANDREW B. ARMSTRONG, Chief  
Assistant Attorney General  
Environmental Bureau

BY:

  
\_\_\_\_\_  
CHARLES W. GUNNARSON  
Chief Legal Counsel

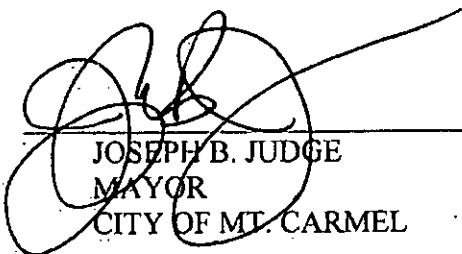
DATE:

12/23/2020

DATE:

12/15/2020

RESPONDENT

  
\_\_\_\_\_  
JOSEPH B. JUDGE  
MAYOR  
CITY OF MT. CARMEL

DATE:

11/16/2020

**CERTIFICATE OF SERVICE**

I, Brian Navarrete, an Assistant Attorney General, certify that on the 30th day of December, 2020, I caused to be served by Regular U.S. Mail the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Certificate of Service to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located in Springfield, IL.

City Of Mount Carmel  
Attn: Mayor Joe Judge  
631 North Market St.  
Mount Carmel, IL 62863  
[rudyw@cityofmtcarmel.com](mailto:rudyw@cityofmtcarmel.com)

s/Brian Navarrete  
Brian Navarrete  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, IL 62701



**MEETING MINUTES**  
Monday, November 16, 2020  
5:00 pm

Mayor Judge brought the City Council meeting to order.

Present on Roll Call: Mayor Joe Judge Commissioners - Eric Ikemire,  
Justin Dulgar, Chandler Madden

Also, Present: City Administrative Assistant Rudy Witsman, City Attorney Kelli Storckman

**APPROVAL OF MINUTES**

Mayor Judge requested a motion to approve the minutes of the last council meeting.

Commissioner Dulgar motioned and Commissioner Ikemire seconded to approve the minutes of the meeting held on November 2, 2020. All present voted Aye by voice vote.

**MAYOR'S COMMENTS**

Mayor Judge asked residents due to the COVID spike to please wear their masks, social distance, wash their hands and obey all CDC/IDPH guidelines.

Mayor Judge reported a news release was given to the media from the Illinois Municipal League Executive Director Brad Cole, which stems from Governor Pritzker's announcements and accusations regarding the rising numbers of COVID 19. Mayor Judge gave a brief overview of the new release and stated there is nothing the local officials can do at this point, unfortunately, until the governor changes how he implements the COVID 19 mitigation measures/guidelines.

Mayor Judge wished everyone a Happy Thanksgiving; encouraged all to practice social distancing with their families; to stay healthy and safe during the holiday. Mayor Judge stated hopefully the schools can go back to regular session on December 1<sup>st</sup> and the COVID numbers will be decreasing soon.

**COMMISSIONER REPORTS:**

**COMMISSIONER TOM MEEKS – STREETS, CEMETERIES AND PARKS**

Commissioner Meeks absent.

**COMMISSIONER ERIC IKEMIRE – FINANCE AND SENIOR CITIZENS**

Statement of Receipts and Expenditures – See attached agenda with financials.

Commissioner Ikemire reported in the past two weeks the city has received \$179,178.00 in revenues with mainly all the monies being from state income tax, utility tax, sales tax, and state use tax.

Commissioner Ikemire stated over the last few weeks he has been asked several times about the real estate tax bills and why they have not been mailed out. Commissioner Ikemire emphasized it is the county's responsibility to issue the real estate tax bills not the city.

## **COMMISSIONER JUSTIN DULGAR – WATER AND SEWER**

Commissioner Dulgar reported the approved rebuilding of one primary clarifier and one final clarifier at the wastewater plant is scheduled for November 30<sup>th</sup> with the project to be completed within a week. Commissioner Dulgar stated the start up testing of the digester is on delay due to COVID and anticipates the testing should take place in February 2021. Commissioner Dulgar reported Wastewater Plant Lead Operator Josh Peach is staying up to date on his required continuing education via online training.

Commissioner Dulgar stated the Wastewater Plant's NPDES permit was filed late in 2018 and corrective procedures have taken place to prevent this from happening again. Commissioner Dulgar reported the Stipulation Agreement with the IEPA contains a fine in the amount of \$1,620.00 due to the late filing of the NPDES permit. The Stipulation Agreement is presented in the Consent Agenda for Council approval.

Commissioner Dulgar reported the water treatment plant is operating well and the crew has been performing the routine maintenance as well as cleaning up the leaves outside around the plant to help prevent any issues. Commissioner Dulgar stated the required monthly water samples were collected by Lead Operator Keith Reed and sent in to the EPA.

Commissioner Dulgar stated the water/sewer maintenance department responded to and resolved a sewer main issue in the North Park area. Commissioner Dulgar reported a solution for the water line issue at West Third and Walnut Streets is ongoing.

## **COMMISSIONER CHANDLER MADDEN – FIRE, HEALTH & SAFETY, GARBAGE, CITY HALL AND CIVIL DEFENSE**

Commissioner Madden reported in the last two weeks the fire department responded to fifteen runs and raised the flag at the VFW for the Veterans Day Ceremony.

Commissioner Madden announced leaf pickup began today starting on the west side of Walnut Street to Oak Street and from West First to Mount Carmel Middle School. Commissioner Madden stated the leaf pickup will continue on then from the east side of Walnut to Peach Street and from Sharp Avenue to Thirteenth Street; the subdivisions going North along College Drive and Park Road as well as the subdivisions on Cherry Street will follow. Commissioner Madden reminded to please do not put sticks/trash in the piles of leaves as it can clog the leaf vac and if debris is found in the leaf pile, the leaves will not be picked up. Commissioner Madden reported the leaf vac is ran more often on streets that are prone to flooding due to leaves blocking the intakes and asked residents to please use caution when driving near the workers picking up the leaves.

Commissioner Madden reported with the holidays approaching people are starting to decorate and stated to avoid fires during the holidays please double check Christmas lights; keep decorations and wires away from overhead powerlines; do not hammer, nail or tack into electrical cords while hanging lights; outdoor lightening and inflatable decorations should be plugged into a ground fault outlet with circuit protectors; indoor lights should not touch drapes, furniture or carpet; keep lighted candles away from flammable items; use safety caps on all electrical outlets not being used especially if small children live in the household.

Commissioner Madden wished everyone a Safe and Happy Thanksgiving.

## **CITY ADMINISTRATIVE ASSISTANT – RUDY WITSMAN**

City Administrative Assistant Witsman stated city hall will be closed next Thursday, November 26<sup>th</sup> and Friday, November 27<sup>th</sup> for the Thanksgiving Holiday. City Administrative Assistant Witsman reminded residents the brush harbor will also be closed Friday, November 27<sup>th</sup> and Saturday, November 28<sup>th</sup> in observance of the holiday.

City Administrative Assistant Witsman reported the lobby at city hall will be closed until further notice due to a small outbreak of COVID. City Administrative Assistant Witsman stated water bill payments may be paid online on the city's website or may be put in the city's outside drop box. Mayor Judge interjected by announcing once the city hall lobby opens back up, the decision has been made to close during lunchtime hours at the beginning of the new year. Mayor Judge stated this has not been done in the past, however with COVID and with the change in customer base that actually comes into the lobby; it is in the best interest of the city to close at lunch and not to stagger the lunchtimes. Mayor Judge affirmed the change in hours will be announced before the start of the new year.

City Administrative Assistant Witsman stated the city was approached by Wabash General Hospital to consider the widening of West Thirteenth Street from Market Street to Chestnut Street as well as improving the radius of the northwest corner of Market Street and Thirteenth. City Administrative Assistant Witsman reported the hospital will be donating four feet of their property to allow the city to move the sidewalk back towards the hospital building in that same area. City Administrative Assistant Witsman stated there are sufficient monies available in the MFT Fund and recommended the council approve the request, which is contained within the consent agenda. After a discussion of the amount of monies in the MFT Fund as well as the potential of incoming grant monies, council decided to approve the request.

City Administrative Assistant Witsman reported Ordinance 2042, which is the vacating of an alley on the south side of the old city hall building to allow transfer of that property to the new owners of 219 N. Market Street is contained within the consent agenda.

City Administrative Assistant Witsman stated the city has an agreement with Donohue to evaluate a “hydraulic bottleneck” located at Outer North Cherry and Easy Streets. City Administrative Assistant Witsman reported flow studies as well as smoke studies have been conducted for the area as it has had several problems over the years with the overflow of sanitary sewer. City Administrative Assistant Witsman stated he has given Donohue those studies and has asked them to prepare a proposal for possible solutions that the city may look at “down the road”. City Administrative Assistant Witsman reported the amount of the contract agreement is \$7600.00 and it is included within the consent agenda.

**City Administrative Assistant Witsman reiterated the Stipulation Agreement with the IEPA regarding a fine in the amount of \$1,620.00 for late filing of the NPDES permit is contained within the consent agenda and the City Council is voting to approve the Stipulated Agreement.**

City Administrative Assistant Witsman reported an agreement has been met with the Machinist Union, which represents the city’s water, sewer, street departments and the agreement is also contained within the consent agenda.

**CITY ATTORNEY – KELLI STORCKMAN**

City Attorney Storckman no report.

**CITY INSPECTOR – MIKE GIDCUMB**

City Inspector Gidcumb absent.

**STREET DEPARTMENT SUPERINTENDENT – DAVE EASTER**

Street Department Superintendent Easter absent.

**POLICE CHIEF – RYAN TURNER**

Police Chief Turner absent.

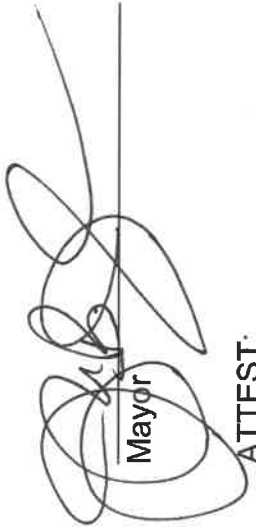
**FIRE CHIEF – FRANCES SPETH**

Fire Chief Speth absent.

**BUSINESS MOTIONS**

Commissioner Ikemire motioned and Commissioner Madden seconded to approve the Consent Agenda. The consent agenda included the widening of Thirteenth Street using MFT funds; approval of Ordinance 2042 – Vacate alley adjacent to 219 N. Market Street; approval of agreement with Donohue to evaluate hydraulic bottleneck; approval of Stipulation Agreement with IEPA regarding NPDES violation and fine in the amount of \$1,620.00; accept four-year agreement with the Machinist; and approval of the paying of all bills bearing the proper signatures. All present voted Aye by voice vote.

Meeting adjourned at 5:20 pm



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Clerk