

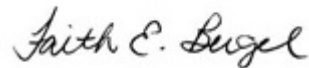
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SIERRA CLUB, PRAIRIE RIVERS )  
NETWORK, and NATIONAL )  
ASSOCIATION FOR THE )  
ADVANCEMENT OF COLORED PEOPLE, )  
 )  
Complainants, )  
 ) PCB 18-11  
v. ) (Enforcement – Water)  
 )  
CITY WATER, LIGHT and POWER, )  
 )  
Respondent. )  
 )

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **JOINT STIPULATIONS**, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,



Faith E. Bugel  
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*Attorney for Sierra Club*

Dated: May 25, 2022

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SIERRA CLUB, PRAIRIE RIVERS	)	
NETWORK, and NATIONAL	)	
ASSOCIATION FOR THE	)	
ADVANCEMENT OF COLORED PEOPLE,	)	
	)	
Complainants,	)	
	)	PCB 18-11
v.	)	(Enforcement – Water)
	)	
CITY WATER, LIGHT and POWER,	)	
	)	
Respondent.	)	
	)	

**JOINT STIPULATIONS**

WHEREAS, on June 17, 2021, the Illinois Pollution Control Board (“Board”) directed Complainants Sierra Club, Prairie Rivers Network, and the National Association for the Advancement of Colored People (“Citizen Groups”) and Respondent City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power (“CWLP”) “to proceed expeditiously to hearing on all violations alleged in the amended complaint.” *Sierra Club v. Springfield*, PCB 18-11, Bd. Order at 31–32 (June 17, 2021);

WHEREAS, slug tests performed for CWLP by Professional Service Industries, Inc. in 2010, demonstrated that the hydraulic conductivities of the geologic material in the screened zones of monitoring wells AP-1, AP-2, and AP-3 were greater than  $1 \times 10^{-4}$  cm/sec standard. Bd. Order at 10–11 (citing CWLP SJ Resp., Group Ex. F at 01759-60, 01767); 35 Ill. Adm. Code 620.210(a)(4)(B)(2);

WHEREAS, monitoring wells AP-1, AP-1R, AP-2, and AP-2R, were screened within the

basal sand layer at the bedrock surface. Bd. Order at 29; CWLP SJ Resp., Group Ex. F at 01713;

WHEREAS, a groundwater characterization performed for CWLP by Stabilize, Inc. determined that the basal sand layer at the site is the “uppermost aquifer.” Bd. Order at 10; CWLP SJ Resp., Group Ex. F at 01715;

WHEREAS, CWLP’s expert witness, Brad Hunsberger of Andrews Engineering, testified that that the basal sand deposits beneath CWLP’s surface impoundments would be Class I groundwater; Bd. Order at 11 (citing CG Mot., Hunsberger Fact Dep. Tr. at 61);

WHEREAS, the groundwaters at AP-1, AP-1R, AP-2, AP-2R, and AP-3 were at least ten feet below the land surface. Bd Order at 29;

WHEREAS, the Board made no finding as to the classification of groundwaters at the site. Bd Order at 29;

WHEREAS, the Board found a genuine issue of material fact as to whether exceedances of the Class I or Class II groundwater quality standards for arsenic, chromium, iron, lead, and manganese that were detected at certain downgradient monitoring wells (AP-1, AP-1R, AP-2, AP-2R, AP-3, or AW-3) at concentrations less than their corresponding background levels were caused by the Dallman or Lakeside surface impoundments. Bd. Order at 24; and

WHEREAS, the Board found a genuine issue of material fact as to whether the Dallman or Lakeside surface impoundments caused exceedances of the Class I or Class II groundwater quality standards at monitoring well AW-3. Bd. Order at 24;

IT IS HEREBY STIPULATED AND AGREED by the undersigned parties that:

1. The groundwater in the basal sand deposit beneath the Dallman and Lakeside surface impoundments is Class I;
2. The groundwater at monitoring wells AP-1, AP-1R, AP-2, AP-2R, and AP-3 is Class I;
3. A hearing before the Board regarding (i) the classification of groundwaters at the site; and (ii) the cause of exceedances of groundwater quality standards at AP-1, AP-1R, AP-2, AP-2R, AP-3, or AW-3 is not necessary, and the parties agree to forego the June 7, 2022 hearing.

Respectfully Submitted,

*Faith E. Bugel*

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*Deborah J. Williams*

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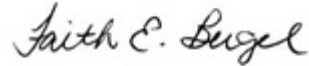
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Dated: May 24, 2022

**CERTIFICATE OF SERVICE**

The undersigned, Faith E. Bugel, an attorney, certifies that I have served electronically upon the Clerk and by email upon the individuals named on the attached Service List a true and correct copy of **JOINT STIPULATIONS** before 5 p.m. Central Time on May 25, 2022 to the email addresses of the parties on the attached Service List. The entire filing package, including exhibits, is 5 pages.

Respectfully submitted,



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PCB 2018-11

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