

**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. 2023-
	)	(Enforcement-Water)
VILLAGE OF BLUE MOUND,	)	
an Illinois municipal corporation,	)	
	)	
Respondent.	)	

**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, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements, copies 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,  
KWAME RAOUL, Attorney General  
of the State of Illinois

By: /s/Bridget I. Flynn  
Bridget I. Flynn, #6332314  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
Office: (217) 782-9033  
Cell: (312) 848-5254  
*Briget.Flynn@ilag.gov*

Date: June 7, 2023

**Service List**

For the Respondent

Village of Blue Mound  
c/o Scott Younger, President  
309 N. Railroad Avenue  
Blue Mound, IL 62513  
*via certified mail*

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Complainant,	)	
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v.	)	PCB 2023-
	)	(Enforcement—Water (NPDES))
VILLAGE OF BLUE MOUND,	)	
an Illinois municipal corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondent, VILLAGE OF BLUE MOUND, 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, on his own motion and at the request of Illinois EPA, pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“the Act”), 415 ILCS 5/31 (2020), against Respondent, VILLAGE OF BLUE MOUND, an Illinois municipal corporation.
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 (2020), 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 (2020), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. Respondent, VILLAGE OF BLUE MOUND, (“Respondent”) is an Illinois municipal corporation duly organized and existing under the laws of the State of Illinois with a population of approximately 1,008 people.

5. At all times relevant to this Complaint, Respondent owned and operated a sewage treatment plant (“STP”).

6. The STP is located at 1078 North Railroad Avenue, Blue Mound, Illinois (“Facility”).

7. The Facility discharges effluent wastewater into an unnamed tributary (“Tributary”) adjacent to the Facility.

8. The Tributary flows to the receiving water of Mosquito Creek.

9. Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), 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.

10. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), 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.

11. Respondent, a political subdivision, is a “person” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

12. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

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

13. Effluent wastewater discharged by Respondent’s STP is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

14. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), 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.

15. The Tributary and Mosquito Creek are “waters” as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

16. 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.

17. 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.)

18. 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.

19. Outfall 001, from which Respondent's STP discharges wastewater to the Tributary, is a "point source" as that term is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

20. On April 1, 2015, Illinois EPA reissued NPDES Permit No. IL0041131 ("NPDES Permit") to Respondent, authorizing Respondent to discharge wastewater into the Tributary and Mosquito Creek from its STP.

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 expired on March 31, 2020.

23. Respondent's NPDES Permit renewal application was due on or before October 3, 2019, 180 days prior to the NPDES Permit's expiration date.

24. On March 12, 2021, 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 August 1, 2021, Illinois EPA issued Respondent a renewed NPDES Permit for Respondent's STP.

27. Beginning on April 1, 2020, and continuing until August 1, 2021, Respondent discharged wastewater into the Tributary and Mosquito Creek from its STP without an NPDES Permit.

28. By causing or allowing the discharge of wastewater into the Tributary and Mosquito Creek from its STP without timely reapplying for reissuance of its NPDES Permit, Respondent violated Standard Condition 2 of the NPDES Permit; 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) (2020).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, VILLAGE OF BLUE MOUND, on this Count I, as follows:

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

B. Finding that the Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020); Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a); and Standard Condition 2 of the NPDES Permit;

C. Ordering the Respondent to cease and desist from further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020); Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a); and Standard Condition 2 of the NPDES Permit;

D. Assessing against the Respondent a civil penalty of up to \$10,000.00 for each day of each violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020); Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a); and Standard Condition 2 of the NPDES Permit, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2020);

E. Ordering the 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**

1-29. Complainant realleges and incorporates herein by reference paragraphs 1 through 29 of Count I as paragraphs 1 through 29 of this Count II.

30. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 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.

31. By causing and allowing the discharge of contaminants in violation of Section 309.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a), Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**PRAYER OF RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, VILLAGE OF BLUE MOUND, on Count II, as follows:



- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
- C. Ordering the Respondent to cease and desist from further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
- D. Assessing against the Respondent a civil penalty of up to \$50,000.00 for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and an additional civil penalty of up to \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020);
- E. Ordering the 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/Springfield  
Assistant Attorney General  
ARDC #6282447

*Of Counsel*

BRIDGET I. FLYNN  
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Illinois Attorney General's Office  
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Springfield, Illinois 62701  
(217) 782-9033  
Bridget.flynn@ilag.gov  
ARDC #6332314

**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 23-
	)	(Enforcement—Water (NPDES))
VILLAGE OF BLUE MOUND,	)	
an Illinois municipal corporation,	)	
	)	
Respondent.	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and VILLAGE OF BLUE MOUND (“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. (2020), 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 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 (2020), 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 (2020).

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 1,008 people.

4. At all times relevant to the Complaint, Respondent owned and operated a sewage treatment plant (“STP”) located at 1078 N. Railroad Avenue, Blue Mound, Macon County, Illinois (the “Facility”).

5. The Facility discharges effluent wastewater into an unnamed tributary (“Tributary”) adjacent to the Facility. The Tributary flows to the receiving waters of Mosquito Creek.

6. Respondent is required to have National Pollutant Discharge Elimination System (“NPDES”) permit coverage for its discharges of effluent wastewater under Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

7. On April 1, 2015, Illinois EPA reissued NPDES Permit No. IL0041131 to Respondent.

8. Respondent failed to timely renew its NPDES permit coverage and subsequently discharged unpermitted from April 1, 2020 to August 1, 2021.

**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) (2020) and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a); and Standard Condition 2 of NPDES Permit No. IL0041131.

Count II: Water Pollution  
Section 12(a) of the Act, 415 ILCS 5/12(a) (2020)

**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 March 12, 2021 the Illinois EPA received an application for NPDES permit renewal which the Respondent had submitted. On July 15, 2021, Illinois EPA reissued NPDES Permit IL0041131 to Respondent with an effective date of August 1, 2021.

**II. APPLICABILITY**

This Stipulation shall apply to and bind 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 (2020).

**III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), 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. Respondent's violations threatened human health and the environment and hindered the Illinois EPA's information-gathering responsibilities.
2. The Facility has social and economic value.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Obtaining a permit prior to discharging from the Facility and compliance with such permit's terms are both technically practicable and economically reasonable.
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) (2020), 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 apply to renew its NPDES Permit 180 days before its expiration, and continued to discharge wastewater in violation of Standard Condition 2 of Permit No. IL0041131. The violations began on or around April 1, 2020, and were resolved on August 1, 2021.
2. Respondent did not respond to the Violation Notice from Illinois EPA nor to the Notice of Intent to Pursue Legal Action ("NIPLA"), sent by same. Respondent submitted its renewal application after Illinois EPA sent the NIPLA letter.
3. Respondent delayed the cost of submitting its NPDES renewal application but received no economic benefit from that delay in this instance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of SEVEN THOUSAND dollars (\$7,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. Respondent was a party to a Consent Order which Plaintiff filed March 3, 2019 in Macon County Circuit Court in which the defendant admitted to violations of: Section 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and (f); Sections 305.102(a) and (b) and 309.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 305.102(a) and (b) and 309.102.

6. Respondent did not self-disclose its violations 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 SEVEN THOUSAND Dollars (\$7,000.00) 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 62794-9276

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:

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

**D. Future Compliance**

1. 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.

2. The 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.

3. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$7,000.00 penalty, its commitment to cease and desist as contained in Section V.D.3 above, completion of all activities required hereunder, 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 concurrently with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

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

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), or entity other than the Respondent.

**F. Enforcement and Modification 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. Notice and Public Comment**

After all Parties to the Stipulation sign this Stipulation but prior to the Board's entry of same, the Board shall publish notice of this Stipulation for a period of not less than thirty (30) days for public notice and comment prior to the Board's acceptance of the Stipulation. If any member of the public submits a comment to the Board, the Complainant reserves the right to withdraw or withhold its consent prior to the Board's entry if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. The Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose the entry of this Stipulation or to challenge any provision of the Stipulation unless the Complainant has notified the Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies

Respondent that it withdraws or withholds its consent for the Stipulation, then neither of the Parties to the Stipulation may use the terms of the agreement 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

KWAME RAOUL  
Attorney General  
State of Illinois

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

BY:



RACHEL MEDINA, Deputy Chief  
Assistant Attorney General  
Environmental Bureau

DATE:

6-7-23

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY:



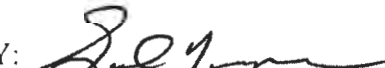
CHARLES W. GUNNARSON  
Chief Legal Counsel

DATE:

5/23/23

VILLAGE OF BLUE MOUND

BY:



SCOTT YOUNGER  
PRESIDENT

DATE:

April 5, 2023

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
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v.	)	PCB No. 2023-
	)	(Enforcement – Water - NPDES)
VILLAGE OF BLUE MOUND,	)	
an Illinois municipal corporation,	)	
	)	
Respondent.	)	

**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) (2022), 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) (2022). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2022), and Section 309.102(a) of the Board’s regulations, 35 Ill. Adm. Code 309.102(a) (2022).
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) (2022).

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) (2022).

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

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Dated: June 7, 2023

**CERTIFICATE OF SERVICE**

I, Bridget I. Flynn, an Assistant Attorney General, certify that on the 7<sup>th</sup> day of June, 2023, I caused to be served by U.S. Certified Mail, the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 500 South Second Street, Springfield, Illinois 62706.

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