



**Service List**

Village of Bedford Park  
c/o Lawrence R. Gryczewski  
10660 W. 143<sup>rd</sup> Street, Suite A  
Orland Park, IL 60462-1982  
[lrg03@sbcglobal.net](mailto:lrg03@sbcglobal.net)

**CERTIFICATE OF SERVICE**

I, Christina Haddad Scanlon, an Assistant Attorney General, certify that on the 7th day of June, 2024, I caused to be served the foregoing Notice of Filing, Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposed Settlement, on the parties named on the attached Service List, by methods described.

/s/ Christina H. Scanlon  
Christina Haddad Scanlon  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
(217) 843-0332  
[christina.scanlon@ilag.gov](mailto:christina.scanlon@ilag.gov)



3. At all times relevant to this complaint, the Respondent is and has been an Illinois municipal corporation, organized and operating under the laws of the State of Illinois, located in Cook County, Illinois, with a population of approximately 602 people.

4. The Respondent owns and operates a Public Water Supply (“PWS”) located at 6700 South Archer Road, Bedford Park, Cook County, Illinois 60455.

5. Respondent’s PWS obtains its water from Lake Michigan and is the sole source of water for the approximately 602 residents of Bedford Park.

6. Respondent’s PWS is located within an environmental justice area, according to the Illinois EPA’s EJ Start mapping tool.

7. Respondent’s PWS is subject to the Act and the Rules and Regulations promulgated by the Illinois Pollution Control Board (“Board”) and the Illinois EPA. The Board’s regulations for PWSs are found in Title 35, Subtitle F, Chapter I of the Illinois Administrative Code (“Board PWS Regulations”).

8. Starting in 1993, or a time better known to the Respondent, and continuing until approximately September 2020, the Respondent applied for and received construction permits for the following 47 projects related to its PWS:

2015-0157	Phase 2 – Hub expansion
2014-0859	2014 Bedford Park Water Main Replacement
2014-8040	Hyatt Place Hotel
2014-0208	5901 West 66 <sup>th</sup> Street Water Main Loop
2013-0893	New 8” Water Main and 12” Sewer Repair
2012-0952	Proposed Trucking Terminal
2012-0316	Public Storage Parking Lot
2011-0086	Magna Surgical Center Site Improvement Plans

2010-1331	2010 Water Main & Street Improvement
2010-0211	Street and Water Main Improvements for Natchez Ave
2011-1124	2011 Water Main Improvements
2011-0279	2010 State Road Water Main Improvements
2010-0417	2009 Water Main Improvement for Central Avenue South of 73 <sup>rd</sup> St. & 71 <sup>st</sup> St. between Harlem Ave. & Sayre Ave.
2008-1240	FedEx Ground Chicago Hub Replacement Project
2008-0169	65 <sup>th</sup> Street & Narragansett Avenue 3 Lot Commercial Development
2007-2039	Holiday Inn Hotel
2007-0040	Residence Inn Hotel
2007-0050	2006 Street and Water Main Improvement
2006-2321	First Industrial Reality Trust, 5025 West 73 <sup>rd</sup> Street
2006-1990	Retail
2006-1501	Bedford Park Business Center II (IG #5098)
2005-2644	Bedford Park Commerce Center (CCG #04-035)
2005-2643	Bedford Park Commerce Center Site I & II (CCG Job #005-001)
2005-2011	Bedford Park Business Center
2004-1565	Hilton Garden Inn
2003-0545	Extended Stay America Site Improvement Plans
2002-0411	54 Inch Water Main Extension – Phase 4
2001-1975	Le Claire Water Pumping Station & reservoir contract C – Water pumping Station
2001-0778	Water Main & Street Improvements

2001-0662	Holiday Inn Full Service
2001-0625	Willamette Industries Inc.
2000-2140	Costco Wholesale
2000-0914	Water Main Extension from Melvina Ave. on 66 <sup>th</sup> Place
2000-0813	Corrugated Supply Company
1999-2029	Water System Improvements-Old Harlem Ave. Contract 1 & 2
1999-0350	Street & Water Improvements
1998-1678	Holiday Inn Express
1998-0969	Water Main Extension M Block & Sons Warehouse
1998-0424	Chemcentral/Chicago
1997-1333	5 Million Gallon Reservoir
1997-1001	Burr Ridge Connection to Archer Orad [sic] Reservoir Water Main Supply
1997-0335	Proposed Marriott Hotels Project
1995-1506	Maintenance and Office Building – CSX intermodal
1994-1395	Ford City West Proposed CVL
1994-0771	MWRD Permit & Site Plan for Office & Warehouse
1993-0458	Belt Railway Repair Facility
1993-1491	Argo Germ Facility Rebuild

9. On or before September 2020, or at a time better known to Respondent, construction on the 47 projects was completed.

10. Respondent did not apply for or obtain operating permits for these 47 projects when they were put into service.

11. On or about September 1, 2020, Respondent obtained operating permits for 10 of the 47 projects completed since 1993:

2015-0157	Phase 2 – Hub expansion
2014-0859	2014 Bedford Park Water Main Replacement
2014-8040	Hyatt Place Hotel
2014-0208	5901 West 66 <sup>th</sup> Street Water Main Loop
2013-0893	New 8” Water Main and 12” Sewer Repair
2012-0952	Proposed Trucking Terminal
2012-0316	Public Storage Parking Lot
2011-0086	Magna Surgical Center Site Improvement Plans
2010-1331	2010 Water Main & Street Improvement
2010-0211	Street and Water Main Improvements for Natchez Ave

12. On or about October 29, 2020, Respondent obtained operating permits for the remaining 37 projects.

13. As of November 1, 2022, all projects functioning as part of the Respondent’s PWS had operating permits.

14. Section 18(a) of the Act, 415 ILCS 5/18(a) (2022), provides, in pertinent part, as follows:

(a) No person shall:

\* \* \*

(2) Violate regulations or standards adopted by the Agency pursuant to Section 15(b) of this Act or by the Board under this Act; or



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

15. Sections 3.145, 3.315, and 3.365 of the Act, 415 ILCS 5/3.145, 5/3.315, and 5/3.365 (2022), respectively, provide the following definitions:

“COMMUNITY WATER SUPPLY” means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.

“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, agent or assigns.

“PUBLIC WATER SUPPLY” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a “community water supply” or a “non-community water supply”.

16. The Village of Bedford Park, a municipal corporation and a political subdivision, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315(2022).

17. The Respondent’s PWS, which regularly serves approximately 600 people at least 60 days per year, is both a “Public Water Supply” and a “Community Water Supply” as those terms are defined in Sections 3.365 and 3.145 of the Act, 415 ILCS 5/3.365 and 5/3.145 (2022).

18. Section 602.200(a) of the Board PWS Regulations, 35 Ill. Adm. Code 602.200(a), provides as follows:

- (a) A person must not cause or allow the construction of any new community water supply installation, or cause or allow the change of or addition to any existing community water supply, without a construction permit issued by the Agency.

19. Section 602.300(a) of the Board PWS Regulations, 35 Ill. Adm. Code 602.300(a), provides as follows:

- (a) A person must not cause or allow the use or operation of any new community water supply, or any new addition to an existing community water supply, for which a construction permit is required under this Part, without an operating permit issued by the Agency, or obtaining an operating permit-by-rule under Section 602.325.

20. Between 1993 and 2020 Respondent obtained construction permits for 47 projects to build additions and modifications to its public water supply, as required by Section 602.200(a) of the Board PWS Regulations, 35 Ill. Adm. Code 602.200(a).

21. As of September 3, 2020, or a date better known to Respondent, Respondent had constructed and put into service all of these projects.

22. As alleged herein, Respondent did not apply for or obtain operating permits for each of the 47 projects adding to or modifying Respondent's PWS until October 2020, after they were put into service.

23. By causing or allowing the use or operation of the 47 above-outlined additions and modifications to its existing PWS, which required and were authorized by construction permits, without first obtaining operating permits, Respondent violated Section 602.300(a) of the Board PWS Regulations, 35 Ill. Adm. Code 602.300(a).

24. By violating Section 602.300(a) of the Board PWS Regulations, Respondent thereby violated Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2) (2022).

25. By operating the above-outlined additions and modifications to its existing PWS without operating permits granted by Illinois EPA, Respondent violated Section 18(a)(3) of the Act, 415 ILCS 5/18(a)(3) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, VILLAGE OF BEDFORD PARK, with respect to Count I:

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

2. Finding that Respondent has violated Sections 18(a)(2) and 18(a)(3) of the Act, 415 ILCS 5/18(a)(2) and 5/18(a)(3) (2022), and Section 602.300(a) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 602.300(a).

3. Ordering the Respondent to cease and desist from any further violations of Sections 18(a)(2) and 18(a)(3) of the Act, 415 ILCS 5/18(a)(2) and 5/18(a)(3) (2022), and Section 602.300(a) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 602.300(a).

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Sections 18(a)(2), and 18(a)(3) of the Act, 415 ILCS 5/18(a)(2) and 5/18(a)(3) (2022), and Section 602.300(a) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 602.300(a), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

6. Granting such other 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/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:  
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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) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL  
Attorney General  
State of Illinois

BY: /s/Christina Haddad Scanlon

Chris Haddad Scanlon  
Taylor Desgrosseilliers  
Assistant Attorney General  
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Illinois Attorney General's Office  
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Dated: June 7, 2024



motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2022), 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 (2022).

3. At all times relevant to the Complaint, Respondent was and is an Illinois municipal corporation, organized and operating under the laws of the State of Illinois, located in Cook County, Illinois, with a population of approximately 602 people.

4. At all times relevant to this Complaint, Respondent owns and operates a Public Water Supply ("PWS") located at 6700 South Archer Road, Bedford Park, Cook County, Illinois.

5. Respondent's PWS obtains its water from Lake Michigan and is the sole source of water for the approximately 602 residents of Bedford Park.

**B. Allegations of Non-Compliance**

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

Count I: Operation of Public Water Supply Projects without a permit in violation of Section 18(a)(2) and 18(a)(3) of the Illinois Environmental Protection Act, 415 ILCS 5/18(a)(2) and 18(a)(3) (2022), and Section 602.300(a) of the Board PWS Regulations, 35 Ill. Adm. Code 602.300(a).

**C. Non-Admission of Violations**

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

**D. Compliance Activities to Date**

On or about September 1, 2020, Respondent obtained operating permits for 10 of the 47 PWS projects completed since 1993. On or about October 29, 2020, Respondent obtained operating permits for the remaining 37 PWS projects.



**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 (2022).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2022), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations thereby threatening human health and the environment.

2. There is social and economic benefit to the facility.
3. Operation of the facility was and is suitable for the area in which it is located.
4. Timely applying for and obtaining operating permits for Public Water Supply projects is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board Public Water Supply regulations.

**IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2022), 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. Respondent failed to apply for and obtain operating permits for 47 Public Water Supply projects prior to beginning operation. The violations began in 1993 and were resolved on October 29, 2020.

2. Respondent was diligent in coming back into compliance with the Act and Board 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 Three Thousand Two Hundred Forty Dollars (\$3,240.00) 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**

The Respondent shall pay a civil penalty in the sum of Three Thousand Two Hundred Forty Dollars (\$3,240.00) within thirty (30) days from the date the Board adopts and accepts this

Stipulation.

**B. Stipulated Penalties, 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.

3. The stipulated penalties shall be enforceable by the Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

**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:

Christina Scanlon  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. Respondent shall timely apply for and obtain operating permits for all future Public Water Supply projects.

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 \$3,240 penalty, 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 June 7 2024.

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, or entity other than the Respondent.

**F. Enforcement of Stipulation**

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

**G. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully

authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.


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

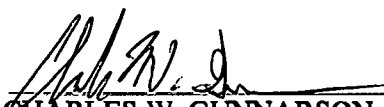
PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

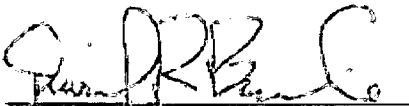
BY:   
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

BY:   
CHARLES W. GUNNARSON  
Chief Legal Counsel

DATE: 6/5/24

DATE: 5/23/24

VILLAGE OF BEDFORD PARK

  
David Brady  
Village President of Bedford Park

05/2/2024  
Date