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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **AUG 29 2002**

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
-vs-)
)
CITY OF DES PLAINES, an Illinois)
municipal corporation, and)
MCDONOUGH ASSOCIATES, INC.,)
an Illinois corporation,)
)
Respondents.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-23

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, August 29, 2002, filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of our Complaint, Motion for Relief from Requirement of a Hearing, and Stipulation and Proposal for Settlement, copies of which are attached herewith and served upon you.

PEOPLE OF THE STATE OF ILLINOIS
ex rel. JAMES E. RYAN
Attorney General of the
State of Illinois

BY:


CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, IL 60601
(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD AUG 29 2002

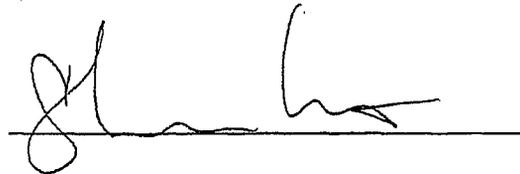
PEOPLE OF THE STATE OF ILLINOIS,)
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CITY OF DES PLAINES, an Illinois)
municipal corporation, and)
MCDONOUGH ASSOCIATES, INC.,)
an Illinois corporation,)
)
Respondents.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-23

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 29th day of August, 2002, the foregoing Complaint, Motion to Request Relief from Hearing Requirement, and Stipulation and Proposal for Settlement upon the persons listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.



CHRISTOPHER GRANT

Service List:

Mr. David R. Wiltse, Attorney
City of Des Plaines
1420 Miner Street
Des Plaines, Illinois 60016-4498

Mr. Alan R. Swanson, Vice President
McDonough Associates, Inc.
130 East Randolph Street, Suite 1000
Chicago, Illinois 60601

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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an Illinois corporation,)
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Respondents.)

PCB No. 63-23

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, complains of Respondents, CITY OF DES PLAINES, and MCDONOUGH ASSOCIATES, INC., as follows:

I. Violations by Respondent CITY OF DES PLAINES and Respondent MCDONOUGH ASSOCIATES, INC.

COUNT I:

FAILURE TO OBTAIN PUBLIC WATER SUPPLY CONSTRUCTION PERMIT

1. This complaint is brought by JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 31 of the Environmental Protection Act, ("Act"), 415 ILCS 5/31 (2002).

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 (2002), and is charged *inter alia*, with the duty of

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ATTORNEY GENERAL

enforcing the Act.

3. Respondent CITY OF DES PLAINES

Respondent CITY OF DES PLAINES ("Des Plaines") is an Illinois municipal corporation, duly authorized and operating under the laws of the State of Illinois. Des Plaines is located in Cook County, Illinois, and has a population of approximately 59,000 full time residents.

4. Respondent MCDONOUGH ASSOCIATES, INC. ("MAI") is an Illinois corporation, duly authorized to transact business in the State of Illinois.

5. Des Plaines is the owner and operator of a potable water supply and distribution system ("Des Plaines Water Supply"), containing, inter alia, underground potable water supply mains and distribution piping. The Des Plaines Water Supply serves approximately 53,000 persons on a year around basis.

6. During 1998, as part of the reconstruction of Oakton Street in the City of Des Plaines, Des Plaines designed and contracted for major reconstruction of approximately 3200 feet of water main ("Oakton Water Main"). Des Plaines arranged to have 6 and 8 inch piping in Oakton Water Main piping replaced with 10 inch water supply piping. Respondent MAI was hired by the City of Des Plaines for design, construction observation and supervision, and other services, including obtaining all necessary Illinois EPA permits.

7. On March, 1 1999, Des Plaines and MAI began excavation and replacement of the Oakton Water Main. On November 1, 1999, Des Plaines and MAI connected the Oakton Water Main, and began using the Oakton Water Main for transportation and distribution of potable water.

8. The Respondents did not, at any time from the initiation of the Oakton Water Main project until construction was complete, submit plans or specifications, receive written Illinois EPA approval, or apply for and obtain a construction permit from Illinois EPA for the Oakton Water Main reconstruction.

9. Section 18(a) of the Act, 415 ILCS 5/18(a) (2002), provides, in pertinent part, as follows:

(a) No person shall:

1. Knowingly cause, threaten or allow the distribution of water from any public water supply of such quality or quantity as to be injurious to human health; or
2. Violate regulations or standards adopted by the Agency pursuant to Section 15(b) of this Act or by the Board under this Act;
3. Construct, install or operate any public water supply without a permit granted by the Agency, or in violation of any condition imposed by such a permit.

* * *

10. Section 3.26 of the Act, 415 ILCS 5/3.26 (2002), 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, agent or assigns.

11. Defendants are "Person[s]" as that term is defined in Section 3.26 of the Act, 415 ILCS 5/3.26 (2002).

12. Section 3.28 of the Act, 415 ILCS 5/3.28 (2002), provides the following definition:

"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".

13. The Des Plaines Water Supply, including the Oakton Water Main, is a "Public Water Supply" as that term is defined in Section 3.28 of the Act, 415 ILCS 5/3.28 (2002).

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

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

and specifications shall be accompanied by supplemental data as may be required by the Agency to permit a complete review thereof.

15. Section 602.101 of the Illinois Pollution Control Board Regulations ("Drinking Water Regulations"), 35 Ill. Adm Code 602.101, provides, as follows:

CONSTRUCTION PERMITS

- a) No person shall cause or allow the construction of any new public water supply installation or cause or allow the change of or addition to any existing public water supply, without a construction permit issued by the Environmental Protection Agency ...

16. By failing to submit plans and receive approval from Illinois EPA prior to beginning construction of the Oakton Water Main, Respondents violated Section 15 of the Act, 415 ILCS 5/15 (2002).

17. By failing to obtain Construction permits for the construction and installation of the Oakton Water Main, Respondents violated Sections 602.101 of the Drinking Water Regulations, 35 Ill. Adm. Code 602.101.

18. By Constructing and installing the Oakton Water Main without permits granted by the Agency, and by violating 35 Ill. Adm. Code 602.101, Respondents violated Section 18(a) of the Act, 415 ILCS 5/18(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, CITY OF DES PLAINES, and MCDONOUGH ASSOCIATES, INC.

on this Count I:

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

2. Finding that the Respondents have violated Sections 15 and 18(a) of the Act, and 35 Ill. Adm. Code 602.101;

3. Ordering the Respondents to cease and desist from any further violations of Sections 15 and 18(a) of the Act and 35 Ill. Adm. Code 602.101;

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against the Respondents for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

II. Additional Violations by Respondent CITY OF DES PLAINES

COUNT II

FAILURE TO OBTAIN PUBLIC WATER SUPPLY OPERATING PERMIT

1-12. Complainant realleges and incorporates by reference herein paragraphs 1 through 7 and paragraphs 9 through 13 of Count I as paragraphs 1 through 12 of this Count II.

13. Des Plaines began connection of the Oakton Water Main to supply potable water to users on November 1, 1999. From November 1, 1999 until August 31, 2000, Respondent operated the Oakton Water Main without an Operating Permit issued by Illinois EPA.

15. Section 602.102 of the Drinking Water Regulations, 35 Ill. Adm. Code 602.102, provides, in pertinent part, as follows:

OPERATING PERMITS

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

16. The Oakton Water Main was a "new addition to an existing water supply" as that term is used in 35 Ill. Adm. Code 602.102. Respondent, by causing and allowing the operation of the Oakton Water Main without an Operating Permit from November 1, 1999 until August 31, 2000, violated 35 Ill. Adm. Code 602.102, and thereby also violated Section 18(a) of the Act, 415 ILCS 5/18(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF DES PLAINES, on this Count II:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 18(a)

of the Act, and 35 Ill. Adm. Code 602.102;

3. Ordering the Respondent to cease and desist from any further violations of Sections 18(a) of the Act, and 35 Ill. Adm. Code 602.102;

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against the Respondent for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

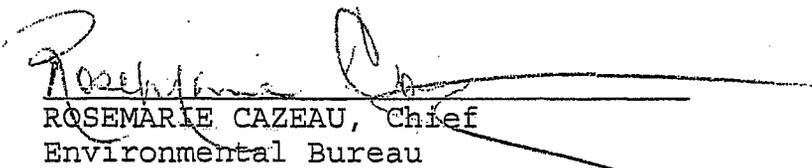
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,

JAMES E. RYAN
Attorney General
State of Illinois

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

BY:


ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

OF COUNSEL

CHRISTOPHER GRANT

Assistant Attorney General

Environmental Bureau

188 W. Randolph St. 20th Floor

Chicago, Illinois 60601

(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS,)
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STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-23

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, and requests relief from the hearing requirement in the above captioned matter. In support thereof, the Complainant states as follows:

1. Together with this Motion, Complainant has filed a Complaint and Stipulation and Proposal for Settlement in this matter. The Complaint consists of two Counts, and alleges violations of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq. (2002) ("Act"), and Illinois Pollution Control Board ("Board") regulations.

2. Section 31 Act, 415 ILCS 5/31 (2002), provides, in pertinent part, as follows:

* * *

(c) (2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the

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Division of Environmental Protection
State of Illinois

People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

* * *

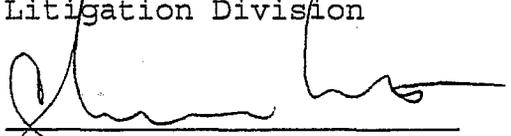
- 3. No hearing is scheduled in the instant case.
- 4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2)(2002).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by JAMES E. RYAN,
Attorney General of the
State of Illinois

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

BY:



CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, Illinois 60601
(312) 814-5388

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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 Complainant,)
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 -vs-)
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 CITY OF DES PLAINES, an Illinois)
 municipal corporation, and)
 MCDONOUGH ASSOCIATES, INC.,)
 an Illinois corporation,)
)
 Respondents.)

PCB No. 03-23

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, at the request of the Illinois Environmental Protection Agency, and respondents, CITY OF DES PLAINES, an Illinois municipal corporation, and MCDONOUGH ASSOCIATES, INC., an Illinois corporation (collectively "Respondents"), do hereby agree to this Stipulation and Proposal for Settlement ("Stipulation"). The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a full hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding except to enforce the terms of this agreement. Notwithstanding the previous sentence, this

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Pollution Control Board

Stipulation and Proposal for Settlement and any Illinois
Pollution Control Board ("Board") order accepting same may be
used in any future enforcement action as evidence of a past
adjudication of violation of the Illinois Environmental
Protection Act ("Act") for purposes of Sections 39(i) and 42(h)
of the Act, 415 ILCS 5/39(i) and 5/42(h) (2000).

I.
JURISDICTION

The Board has jurisdiction of the subject matter herein and
of the parties consenting hereto pursuant to the Act, 415 ILCS
5/1 et seq. (2000).

II.
AUTHORIZATION

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

III.
APPLICABILITY

This Stipulation and Proposal for Settlement shall apply to
and be binding upon the Complainant and Respondents, and each of
them, and on any officer, director, agent, employee or servant of
Respondents, as well as Respondents' successors and assigns.
The Respondents shall not raise as a defense to any enforcement
action taken pursuant to this settlement the failure of officers,

directors, agents, servants, or employees of either respondent to take such action as shall be required to comply with the provisions of this settlement.

IV.

STATEMENT OF FACTS

A. Parties

1. The Attorney General of the State of Illinois brought this action on his own motion, as well as at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the statutory authority vested in him under Section 31 of the Act, 415 ILCS 5/31 (2000).

2. Illinois EPA is an agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2000), and is charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, CITY OF DES PLAINES ("Des Plaines"), is an Illinois municipal corporation, located in Cook County, Illinois.

4. Respondent, MCDONOUGH ASSOCIATES, INC. ("McDonough"), is an Illinois corporation, duly authorized to transact business in the State of Illinois.

B. Facility Description

Respondent Des Plaines is the owner and operator of a potable water system, including water mains and distribution lines. In 1999, Des Plaines replaced approximately 3,000 feet of water main running along Oakton Avenue in the City of Des Plaines ("Site").

Respondent McDonough provided engineering and construction oversight services for the 1999 renovation and replacement of the water main at the Site. McDonough's responsibilities included obtaining Illinois EPA construction permits.

C. Noncompliance

Complainant has alleged the following violations of the Act against the Respondents:

COUNT I: FAILURE TO OBTAIN PUBLIC WATER SUPPLY CONSTRUCTION PERMIT, violation of Sections 15 and 18(a) of the Act, 415 ILCS 5/15 and 18(a) (2000), and 35 Ill. Adm. Code 602.101.

In addition, Complainant has alleged the following violation of the Act against Respondent Des Plaines:

COUNT II: FAILURE TO OBTAIN PUBLIC WATER SUPPLY OPERATING PERMIT, violation of Section 18(a) of the Act, 415 ILCS 5/18(a) (2000), and 35 Ill. Adm. Code 602.102.

D. Response to allegations

Respondents neither admit nor deny the allegations in the complaint.

V.

IMPACT ON THE PUBLIC RESULTING FROM NONCOMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2000), 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.

ANALYSIS:

The parties mutually state as follows:

1. *Character and Degree of Injury:*

The impact to the public from the alleged violations of the Act would be to prevent Illinois EPA from:

- a) reviewing plans for conformance with Board and Illinois EPA water main engineering requirements;
- b) monitoring construction practices through spot inspections; and
- c) supervising water quality testing prior to placing the water main in operation.

The alleged violations would increase the risk of contamination of the Des Plaines public water supply.

2. *Social and Economic Benefit:*

The parties agree that renovation of the water main at the

Site is of social and economic benefit.

3. *Suitability to the Area:*

Reconstruction and improvement of the water main at the Site is suitable to the area, provided that it is performed in conformance with the requirements of the Act and Board Water Pollution regulations.

4. *Technical Practicability:*

Obtaining required permits prior to construction and operation of the water main at the Site is both technically practicable and economically reasonable.

5. *Subsequent Compliance:*

Subsequent to completing construction, Respondents submitted "as built" plans to Illinois EPA. The plans did not indicate any design or construction violations. Ten months after placing the water main renovation into service, Respondent Des Plaines applied for and obtained and operating permit for the water main at the Site. The operating permit continues in effect to the time of filing of this Stipulation.

VI.

CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2000), 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 violator 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 violator because of delay in compliance with requirements;
4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

ANALYSIS:

1. *Duration and Gravity of the Violation:*

COUNT I: Complainant has alleged that the conditions which caused the alleged violations existed from at least March 1, 1999 until November 1, 1999.

COUNT II: Complainant has alleged that violations occurred from October 30, 1999, until at least August 1, 2000.

2. *Diligence of Respondent:*

The Respondents were diligent in providing "as-built" plans following notification by Illinois EPA that no Construction Permit had been applied for or issued.

3. *Economic Benefit of Noncompliance:*

The Respondents did not receive any substantial economic benefit from the alleged noncompliance.

4. *Deterrence:*

A penalty of Fifteen Thousand Dollars (\$15,000.00) against Respondent Des Plaines, and a penalty of Eleven Thousand Dollars (\$11,000.00) against Respondent McDonough will deter future noncompliance by the Respondents and others.

5. *Compliance History:*

The Respondents have no previously adjudicated violations of the Act and Board Regulations.

VII.

TERMS OF SETTLEMENT

1. The Respondents neither admit nor deny the violations as alleged in the complaint against them.

2. The Respondents shall pay the following penalties:

a. Respondent Des Plaines shall pay the sum of Fifteen Thousand Dollars (\$15,000.00);

b. Respondent McDonough Associates, Inc. shall pay the sum of Eleven Thousand Dollars (\$11,000.00).

Each penalty shall be paid within thirty (30) days after the date on which the Board adopts a final order approving this Stipulation and Proposal for Settlement. Each payment shall be made by certified check or money order, payable to the Illinois EPA, designated for deposit into the Environmental Protection Trust Fund, and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

3. Respondent Des Plaines FEIN number is _____.
Respondent McDonough's FEIN number is _____. The FEIN
number of each Respondent must be on each respective certified
check or money order. For issues relating to the payment of the
penalty, the Respondents may be reached at the following address:

Mr. David Wiltse, Attorney
City of Des Plaines
1420 Miner Street
Des Plaines, Illinois 60018

Mr. Andrew Ftacek
McDonough Associates, Inc.
130 East Randolph
Suite 1000
Chicago, Illinois, 60601

A copy of each certified check or money order, and all
related correspondence, shall be sent by first class mail to:

Christopher Grant
Assistant Attorney General
Environmental Bureau
188 West Randolph, 20th Flr.
Chicago, Illinois 60601

VIII.
CEASE AND DESIST

Respondents shall cease and desist from future violations of
the Act and Board regulations, including but not limited to,
those sections of the Act and Board regulations that were the
subject matter of the complaint as outlined in Section IV.C. of
this Stipulation and Proposal for Settlement.

IX.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation and Proposal for Settlement in no way affects Respondents' responsibility to comply with any federal state or local regulations, including but not limited to the Act and Board regulations.

X.

RELEASE FROM LIABILITY

In consideration of each Respondent's payment as described in paragraph VII.2. above, and each Respondent's commitment to refrain from future violations of the Act and Board regulations, Complainant releases, waives and discharges each Respondent from any further liability or penalties for violations of the Act and regulations which were the subject matter of the Complaint herein, upon the payment of all monies owed. However, nothing in this Stipulation and Proposal for Settlement shall be construed as a waiver by Complainant of the right to redress future or heretofore undisclosed violations, or obtain penalties with respect thereto.

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

AGREED:

FOR THE COMPLAINANT:

JAMES E. RYAN
Attorney General of
the State of Illinois

Matthew J. Dunn, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: Rose Marie Cazeau
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Dated: 8/16/02

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Joseph E. Svoboda
JOSEPH E. SVOBODA
Chief Legal Counsel

Dated: 8-12-02

FOR CITY OF DES PLAINES

By: _____

Title: _____

Dated: _____

FEIN# _____

FOR MCDONOUGH ASSOCIATES, INC.

By: _____

Title: _____

Dated: _____

FEIN# _____

AGREED:

FOR THE COMPLAINANT:

JAMES E. RYAN
Attorney General of
the State of Illinois

Matthew J. Dunn, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: _____
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Dated: _____

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
JOSEPH E. SVOBODA
Chief Legal Counsel

Dated: _____

FOR CITY OF DES PLAINES

By: _____

Title: _____

Dated: _____

FEIN# _____

FOR MCDONOUGH ASSOCIATES, INC.

By: Alan R. Duane

Title: Vice President

Dated: July 25, 2002

FEIN# 36-2598024

AGREED:

FOR THE COMPLAINANT:

JAMES E. RYAN
Attorney General of
the State of Illinois

Matthew J. Dunn, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: _____
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Dated: _____

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
JOSEPH E. SVOBODA
Chief Legal Counsel

Dated: _____

FOR CITY OF DES PLAINES

By: 

Title: MAYOR

Dated: 8/22/02

FEIN# 36-6005849

FOR MCDONOUGH ASSOCIATES, INC.

By: _____

Title: _____

Dated: _____

FEIN# _____

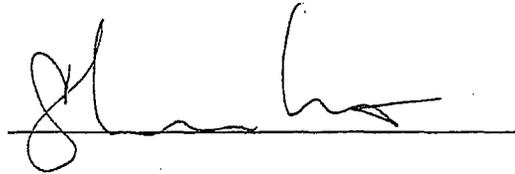
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I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 29th day of August, 2002, the foregoing Complaint, Motion to Request Relief from Hearing Requirement, and Stipulation and Proposal for Settlement upon the persons listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.



CHRISTOPHER GRANT

Service List:

Mr. David R. Wiltse, Attorney
City of Des Plaines
1420 Miner Street
Des Plaines, Illinois 60016-4498

Mr. Alan R. Swanson, Vice President
McDonough Associates, Inc.
130 East Randolph Street, Suite 1000
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