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JUL 06 2005

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 1, 2005

PCB06-03

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. Lake Egypt Water and Wastewater District***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, COMPLAINT and APPEARANCE in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Kristen Laughridge  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JLM/pp  
Enclosures

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 06 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS, )

Complainant, )

vs. )

LAKE EGYPT WATER AND )  
WASTEWATER DISTRICT, )

Respondent. )

PCB No. 06-03  
(Enforcement-Water)

NOTICE OF FILING

To: Gary Rhodes  
Lake of Egypt Water District  
11484 Lake of Egypt Road  
Marion, IL 62959

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2002), to correct the pollution alleged in the Complaint filed in this case.

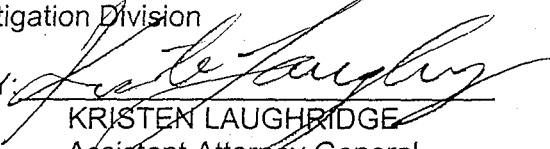
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY:

  
KRISTEN LAUGHRIDGE  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: July 1, 2005

## CERTIFICATE OF SERVICE

I hereby certify that I did on July 1, 2005, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Gary Rhodes  
Lake of Egypt Water District  
11484 Lake of Egypt Road  
Marion, IL 62959

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601



Kristen Laughridge  
Assistant Attorney General

This filing is submitted on recycled paper.

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF  
ILLINOIS,

Complainant,

vs.

LAKE EGYPT WATER AND  
WASTEWATER DISTRICT,

Respondent.

STATE OF ILLINOIS  
Pollution Control Board

PCB No. *06-03*  
(Enforcement-Water)

**ENTRY OF APPEARANCE**

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KRISTEN LAUGHRIDGE, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN  
Attorney General of the  
State of Illinois

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

BY:

*Kristen Laughridge*  
KRISTEN LAUGHRIDGE  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: July 1, 2005

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**JUL 06 2005**

**STATE OF ILLINOIS  
Pollution Control Board**

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois,

Complainant,

v.

LAKE EGYPT WATER AND WASTEWATER  
DISTRICT,

Respondent.

NO. PCB- 06-03  
(Enforcement - Water)

**COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondent, LAKE EGYPT WATER AND WASTEWATER DISTRICT, as follows:

**COUNT I**

**FAILURE TO DEMONSTRATE ADEQUATE TOC REMOVAL**

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).
2. The 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 (2002), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), after providing the Respondents with notice and the opportunity for a meeting with the Illinois EPA.

4. The Respondent, Lake Egypt Water and Wastewater District ("District"), is a government agency created in 1974 by the local community and governed by a seven member Board of Directors consisting of local residents. The District has at all times relevant to this Complaint owned and operated a water filtering and purification plant located at 11484 Lake of Egypt Road, Marion, Williamson County, Illinois.

5. Lake Egypt Water and Wastewater District is a "public water supply" as that term is defined under Section 3.365 of the Act, 415 ILCS 5/3.365 (2002), as follows:

"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".

6. Respondent's public water supply is a "PWS" or "public water system", a "CWS" or "community water system", and a "SWS" or "surface water system", as those terms are defined under Section 611.101 of the Board's Public Water Supplies Regulations, 35 Ill. Adm Code 611.101, as follows:

"COMMUNITY WATER SYSTEM" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

\* \* \*

"SWS" means "surface water system," a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water."

\* \* \*

"PUBLIC WATER SYSTEM" or "PWS" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

7. The District public water supply serves approximately 11,000 persons on a year-round basis through 4,239 service connections in Johnson and Williamson Counties. The District obtains water from the Lake of Egypt via pumping. The water is treated through gas chlorination, alum, CAT-Polymer, caustic soda, ammonium hydroxide, and acid fluoride and then stored in a one million gallon ground storage tank.

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

(a) No person shall:

\* \* \*

(2) Violate regulations or standards adopted by the Board under this Act. . .

9. Respondent is a "person" as that term is defined under Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), as follows:

"PERSON" is any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency or assigns.

10. Respondent is a "supplier" as that term is defined under Section 611.101 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.101, as follows:

"SUPPLIER OF WATER" or "SUPPLIER" means any person who owns or operates a public water system (PWS). \* \* \*



11. Total organic carbon ("TOC") and disinfection byproduct ("DBP") are defined under Section 611.101 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.101 as:

"Total organic carbon" or "TOC" means total organic carbon (in mg/l) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Disinfection byproduct" or "DBP" means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromodichloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids

12. Section 611.383(d) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.383(d), provides:

- d) Disinfection byproduct (DBP) precursors. Compliance must be determined as specified by Section 611.385(c). A supplier may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the supplier. This monitoring is not required and failure to monitor during this period is not a violation. However, any supplier that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section 611.385(b)(3) and is in violation of a national primary drinking water regulation (NPDWR). A supplier may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For a supplier required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the supplier is in violation of the treatment technique requirements and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

13. Section 611.385 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.385, provides, in pertinent part:

- a) Applicability.

- 1) A Subpart B system supplier using conventional filtration treatment (as defined in Section 611.101) must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in subsection (b) of this Section unless the supplier meets at least one of the alternative compliance standards listed in subsection (a)(2) or (a)(3) of this Section.

\* \* \*

b) Enhanced coagulation and enhanced softening performance requirements.

- 1) A supplier must achieve the percent reduction of TOC specified in subsection (b)(2) of this Section between the source water and the combined filter effluent, unless the Agency approves a supplier's request for alternate minimum TOC removal (Step 2) requirements under subsection (b)(3) of this Section.
- 2) Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with Section 611.381(d). A supplier practicing softening must meet the Step 1 TOC reductions in the far-right column (source water alkalinity greater than 120 mg/l) for the following specified source water TOC:

Step 1 Required Removal of TOC by Enhanced Coagulation and  
Enhanced Softening for a Subpart B System Supplier  
Using Conventional Treatment<sup>1,2</sup>

Source-water TOC, mg/l	Source-water alkalinity, mg/l as CaCO <sub>3</sub>		
	0-60	>60-120	>120 <sup>3</sup>
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

<sup>1</sup> A supplier meeting at least one of the conditions in subsections (a)(2)(A) through (a)(2)(F) of this Section are not required to operate with enhanced coagulation.

<sup>2</sup> A softening system that meets one of the alternative compliance standards in subsection (a)(3) of this Section is not required to operate with enhanced softening.

<sup>3</sup> A supplier that practices softening must meet the TOC removal requirements in this column.

\* \* \*

14. Measuring for TOC removal is required under the Board's Public Water Supply Regulations to help control the formation of DBP precursors in the treated water.

15. Under section 611.385(a)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.385(a)(1), a supplier must meet the TOC percent removal requirements specified in section 611.385(b) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.385(b), unless the supplier can meet an alternative compliance standard.

16. Under Section 611.385(c) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.385(c), a supplier must calculate their compliance for TOC levels on a quarterly basis by finding the ratio of actual TOC removal versus required TOC removal. That ratio is averaged over a year and the annual average removal ratio must be at least 1. That annual average removal ratio is a running average, calculated at each quarter.

17. In the final quarter of 2002, on or about December 9, 2002, the Respondent's annual average TOC removal ratio was 0.86. Upon analysis, Illinois EPA determined that the Respondent could not meet an alternative compliance standard.

18. On June 22, 2004, after analysis and application of a Step 2 TOC removal requires, Illinois EPA issued a letter to Defendant stating that the new Step 2 analysis placed their TOC removal ratio in compliance and that it was retroactive to January 1, 2003.

19. From on or about December 9, 2002 through at least June 22, 2004, on dates better known to the Respondent, Respondent failed to demonstrate that TOC removal ratio levels were in compliance with either Step 1 TOC percent removal requirements or meet the requirements of alternative compliance criteria.

20. By failing to demonstrate compliant TOC removal levels, Respondent violated Sections 611.383(d) and 611.385 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.383(d) and 611.385.

21. By violating the Board's Public Water Supply Regulations, Respondent has violated Section 18 of the Act, 415 ILCS 5/18 (2002).

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Court grant the following relief:

A. Find that the Respondent has violated Section 18 of the Act, 415 ILCS 5/18 (2002), and Sections 611.383(d) and 611.385 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.383(d) and 611.385;

B. Permanently enjoin the Respondent from further violations of the Act and its Regulations;

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2002), impose a civil penalty of not more than the statutory maximum;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other and further relief as this Court deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN,  
Attorney General  
of the State of Illinois

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

BY: \_\_\_\_\_

THOMAS DAVIS, Chief  
Assistant Attorney General

Of Counsel

KRISTEN LAUGHRIDGE  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/557-5767  
Dated: 6/30/05