

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 by LISA MAD IGAN, Attorney General of )  
 the State of Illinois, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 VILLAGE OF KINSMAN, a municipal )  
 corporation, )  
 )  
 Respondent. )

No. **PC310-15**  
 (Enforcement - Water)

NOTICE OF FILING

(VIA ELECTRONIC FILING)

TO: Johnathan Bates  
 Belt, Bates & Associates  
 105 E. Main Street, Suite 106  
 Morris, IL 60450

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Pollution Control Board a Complaint, Stipulation and Proposal for Settlement and a Motion to Request Relief from Hearing, true and correct copies of which is attached and hereby served upon you.

Respectfully submitted,

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

By: Vanessa M. Cordonnier  
 VANESSA M. CORDONNIER  
 Assistant Attorney General  
 Environmental Bureau  
 69 W. Washington St., 18th Floor  
 Chicago, Illinois 60602  
 (312) 814-0608

CERTIFICATE OF SERVICE

I, VANESSA M. CORDONNIER, an Assistant Attorney General, do certify that I caused to be mailed this 13th day of August, 2009, the foregoing Complaint, Motion to Request Relief from Hearing, Stipulation and Proposal for Settlement, and Notice of Filing, upon the persons listed on said notice, by U.S. first-class mail.

*Vanessa M. Cordonnier*

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VANESSA M. CORDONNIER  
Assistant Attorney General  
Environmental Bureau  
69 West Washington, 18<sup>th</sup> Floor  
Chicago, IL 60602  
312-814-0608

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
by LISA MAD IGAN, Attorney General of )  
the State of Illinois, )  
Complainant, )  
v. )  
VILLAGE OF KINSMAN, a municipal )  
corporation, )  
Respondent. )

No. 09-  
(Enforcement – Water)

**MOTION TO REQUEST RELIEF  
FROM HEARING REQUIREMENT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, 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. On August 14, 2009, the Complaint was filed electronically with the Pollution Control Board (“Board”) in this matter. On August 14, 2009, a Stipulation and Proposal for Settlement was filed with the Board. If accepted, the Stipulation and Proposal for Settlement will dispose of the case.

2. Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2006), allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties have submitted to the Board a stipulation and proposal for settlement. Section 31(c)(2) provides:

Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the 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 currently scheduled in the instant case.

4. The Complainant requests the relief conferred by Section 31(c)(2) of the Act.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2006).

Respectfully submitted,

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

By: Vanessa M. Cordonnier  
VANESSA M. CORDONNIER  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
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 by LISA MADIGAN, Attorney General of )  
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 Complainant, )  
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 VILLAGE OF KINSMAN, a municipal )  
 corporation, )  
 )  
 Respondent. )

PCB  
 No. 10-15  
 (Enforcement - Water)

**COMPLAINT**

Now comes Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, and at the request of the Illinois Environmental Protection Agency, and complains of Respondent, VILLAGE OF KINSMAN, as follows:

**COUNT I**

**FAILURE TO COMPLY WITH THE MAXIMUM CONTAMINANT LEVEL FOR RADIUM**

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, 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 (2006).

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 (2006), and charged, *inter alia*, with the

duty of enforcing the Act.

3. At all times relevant to this complaint, Respondent, Village of Kinsman ("Kinsman"), was and is an Illinois municipal corporation duly organized and existing under the laws of the State of Illinois.

4. At all times relevant to this complaint, Kinsman was and is the owner and operator of the Kinsman municipal public water supply ("Kinsman PWS").

5. Kinsman is a village with a population of 94 located in Grundy County, Illinois. The Kinsman PWS has over 25 direct service connections.

6. The Kinsman PWS consists of one deep well ("Well 2") and two shallow wells ("Well 3 and Well 4").

7. Respondent Kinsman's operation of its Kinsman 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 public water supplies are found in Title 35, Subtitle F, Chapter I of the Illinois Administrative Code ("Board Public Water Supply Regulations"), and the Illinois EPA rules and regulations for public water supplies are found in Title 35, Subtitle F, Chapter II of the Illinois Administrative Code ("Illinois EPA Public Water Supply Regulations").

8. Section 18(a) of the Act, 415 ILCS 5/18(a) (2006), provides 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...

9. Section 601.101 of the Board Public Water Supply Regulations, 35 Ill.

Adm. Code 601.101, provides as follows:

Owners and official custodians of a public water supply in the State of Illinois shall provide pursuant to the Environmental Protection Act [415 ILCS 5] (Act), the Pollution Control Board (Board) Rules, and the Safe Drinking Water Act (42 U.S.C. 300f et seq.) continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

10. Sections 3.145, 3.315, and 3.365 of the Act, 415 ILCS 5/3.145, 5/3.315, and 5/3.365 (2006), 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”.

11. Kinsman, an Illinois political subdivision, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2006).
12. The Kinsman PWS is both a “public water supply” (“PWS”) 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 (2006), respectively, because Kinsman PWS regularly serves at least twenty-five residents sixty days per year.

13. Radium is a radionuclide that is naturally occurring in some ground water. Chronic exposure to drinking water with high radium levels can cause health problems, including anemia, teeth fractures, cataracts, and cancer.

14. Section 611.330(b) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.330(b), defines the Maximum Contaminant Level (“MCL”) for radium as follows:

(b) MCL for combined radium-226 and –228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/l. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

15. For compliance purposes, the Illinois EPA measures combined radium as a running annual average. The Illinois EPA calculates the running annual average for combined radium in water by aver aging the combined radium value for each of the four most recent consecutive quarters of sampling and then rounding to the nearest whole number.

16. As reported by Kinsman, the running annual combined averages for the Kinsman PWS in 2007 were as follows:

<u>Quarter Period</u>	<u>Combined Radium Running Annual Average</u>
January 1, 2007 – March 31, 2007	9.4 pCi/l
April 1, 2007 – June 30, 2007	9.0 pCi/l
July 1, 2007 – September 30, 2007	7.8 pCi/l



17. On August 30, 2007, the Illinois EPA sent Kinsman a Violation Notice for failure to meet the combined radium MCL.

18. On October 29, 2007, Kinsman's engineering consultant responded to the Violation Notice on behalf of Kinsman. Kinsman proposed a plan to come into compliance with the combined radium MCL, which was accepted by the Illinois EPA on November 16, 2007.

19. Kinsman reported a combined radium level of 6.8 pCi/l on January 14, 2008. Additionally, Kinsman reported a combined radium level of 6.0 pCi/l on April 14, 2008, which brought the then-current running annual average combined radium level to 6.0 pCi/l.

20. On August 26, 2008, the Illinois EPA sent Kinsman a Notice of Intent to Pursue Legal Action letter.

21. On September 17, 2008 the Illinois EPA met with Kinsman pursuant to the Notice of Intent to Pursue Legal Action letter.

22. By having a radium level higher than the MCL of 5pCi/l, Kinsman violated Section 611.330(b) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.330(b), and failed to adequately assure the safety of Kinsman's drinking water.

23. By its actions and omissions as alleged herein, Respondent, Kinsman, violated Section 18(a)(1) of the Act, 415 ILCS 5/18(a)(1) (2006), Section 601.101 of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 601.101, and Section 611.330(b) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.330(b).

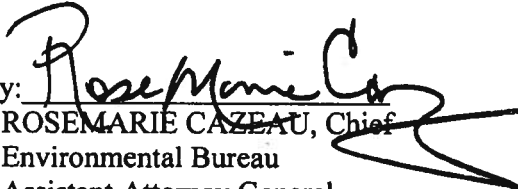
24. By violating regulations adopted by the Board pursuant to the Act, Kinsman violated Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, VILLAGE OF KINSMAN, for the following relief:

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 Section 18(a) of the Act and Sections 601.101 and 611.330(b) of 35 Ill. Adm. Code;
3. Ordering Respondent to cease and desist from any further violations of Section 18(a) of the Act and Sections 601.101 and 611.330(b) of 35 Ill. Adm. Code;
4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering 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 pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

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:   
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

*Of Counsel*  
VANESSA CORDONNIER  
Environmental Bureau  
Assistant Attorney General  
69 W. Washington, 18th Floor  
Chicago, Illinois 60601  
(312) 814-0608

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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VILLAGE OF KINSMAN, a municipal )  
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**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and VILLAGE OF KINSMAN ("Respondent") ("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.* (2006), 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. On August 13, 2009, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2006), 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 (2006).

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. At all times relevant to this complaint, Respondent was and is the owner and operator of the Kinsman municipal public water supply ("Kinsman PWS"). Kinsman is a village with a population of 94 located in Grundy County, Illinois.

4. The Kinsman PWS consists of one deep well ("Well 2") and two shallow wells ("Well 3 and Well 4").

5. For compliance purposes, the Illinois EPA measures combined radium as a running annual average. The Illinois EPA calculates the running annual average for combined radium in water by averaging the combined radium value for each of the four most recent consecutive quarters of sampling and then rounding to the nearest whole number.

6. From at least January 1, 2008 through October 1, 2008, Kinsman had a running annual average of radium in the Kinsman PWS higher than 5 picocuries per liter ("pCi/l") The

maximum containment level ("MCL") for combined radium is 5.0 pCi/l, as set forth in Section 611.330(b) of the Board public Water Supply Regulations, 35, Ill. Adm. Code 611.330(b).

**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 Comply with the Maximum Contaminant Level for Radium, in violation of Section 18(a) of the Act, 415 ILCS 5/18(a) (2006), Section 601.101 of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 601.101, and Section 611.330(b) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.330(b).

**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**

As of the time of filing of this Stipulation, the Kinsman PWS has been in compliance with the MCL for radium since December, 2008.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. 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 (2006).

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

Section 33(c) of the Act, 415 ILCS 5/33(c)(2006), 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. From at least January 1, 2008 through October 1, 2008, Kinsman had a running annual average of radium in the Kinsman PWS higher than the allowable level of 5 pCi/l.
2. There is social and economic benefit to the facility.
3. Operation of the facility is suitable for the area in which it is located.
4. Monitoring the blending of raw water from Wells 2, 3 and 4 in order to ensure an MCL for combined radium in the Kinsman PWS of less than 5 pCi/l, and sampling the water for

combined radium on a quarterly basis, is 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)(2006), 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; and
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.



In response to these factors, the Parties to the Stipulation state as follows:

1. From 2002 through October, 2008, Respondent developed methods to decrease the elevated levels of radium in the Kinsman PWS. Average combined radium levels have decreased since 2002 and currently the system is in compliance with the maximum contaminant level for combined radium.

2. Respondent was diligent in attempting to come back into compliance with the Act and Board regulations once the Illinois EPA notified it of its noncompliance. Kinsman has added additional shallow wells to allow the blending of raw water from different aquifers to achieve compliance, and the overall concentration levels of combined radium have decreased since 2002.

3. Kinsman's method to comply with the combined radium MCL standard by blending water from different aquifers is an acceptable method to achieve compliance. Kinsman constructed three new wells and has worked to fine-tune the system to achieve compliance. While Kinsman could have performed more sampling to try to achieve a compliant running average, there appears to be little additional money it could have spent to achieve compliance. Consequently, it appears that Kinsman has received no economic benefit from its noncompliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Three Hundred Seventy Six Dollars and Thirty-four Cents (\$376.34) 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.

#### **V. TERMS OF SETTLEMENT**

##### **A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Three Hundred Seventy Six Dollars and Thirty-four Cents (\$376.34) 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**

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, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Vanessa Cordonnier  
Assistant Attorney General  
Environmental Bureau - Office of the Illinois Attorney General  
69 W. Washington, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. Pursuant to Sections 4(c) and (d) of the Act, 415 ILCS 5/4(c) and (d), and in addition to any other authorities, the Illinois EPA, its 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, may take photographs, samples, and collect information, as they deem necessary.

2. 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.

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 \$376.34 penalty, its commitment to cease and desist as contained in Section V.D. 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 August 13, 2009. 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.

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


THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

LISA MADIGAN  
Attorney General  
State of Illinois

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

DOUGLAS P. SCOTT, Director  
Illinois Environmental Protection Agency

BY:   
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 8/11/09

DATE: 8/5/09

VILLAGE OF KINSMAN

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

DATE: \_\_\_\_\_

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

THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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Attorney General  
State of Illinois

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DOUGLAS P. SCOTT, Director  
Illinois Environmental Protection Agency

BY: \_\_\_\_\_  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

BY: \_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

VILLAGE OF KINSMAN

BY: *Marle Hallow Mays*

DATE: *7-6-09*