

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|--|---|----------------------------|
| PEOPLE OF THE STATE OF |) | |
| ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | PCB No. |
| |) | (Enforcement-Water) |
| KEVIN FAIRFIELD, an individual, and |) | |
| SUE FAIRFIELD, an individual, |) | |
| |) | |
| Respondents. |) | |

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

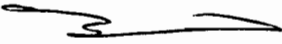
PLEASE TAKE NOTICE that on June 14, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

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

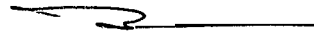
BY: 

 THOMAS DAVIS, Chief
 Assistant Attorney General
 Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: June 14, 2010

CERTIFICATE OF SERVICE

I hereby certify that I did on June 14, 2010, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT upon the persons listed on the Service List.



THOMAS DAVIS, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Kevin Fairfield
Sue Fairfield
1990 Lake Jacksonville Road
Jacksonville, IL 62650

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
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| Complainant, |) | |
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| v. |) | PCB No. |
| |) | (Water-Enforcement) |
| KEVIN FAIRFIELD, an individual, and |) | |
| SUE FAIRFIELD, an individual, |) | |
| |) | |
| Respondents. |) | |

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondents, KEVIN FAIRFIELD, an individual, and SUE FAIRFIELD, an individual, as follows:

COUNT I
WATER POLLUTION

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 (2008).
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 (2008), and charged, *inter alia*, with the duty of enforcing the Act.
3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2008), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.
4. Kevin and Sue Fairfield are individuals who own residential property located at 1990 Lake Jacksonville Road, Jacksonville, Morgan County, Illinois, 62650, ("the site").

5. A pond covers approximately one and one half (1.5) acres of the residential property ("the pond").

6. Beginning in August of 2007, the Respondents paid a contractor to perform a restoration project on the pond.

7. During the project, the pond was drained and the bottom was dredged using a track hoe.

8. Beginning in August of 2007, and continuing until a time better known to the Respondents, sediment dredged from the pond was deposited in a valley located below the pond dam.

9. Sediment was also deposited at the upstream end of the pond and in several piles on property located across Lake Jacksonville Road from the site.

10. Section 12 of the Act, 415 ILCS 5/12 (2008), provides the following prohibitions:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2008), provides the following definition:

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

12. Sediment is a contaminant.

13. Section 3.545 of the Act, 415 ILCS 5/3.545 (2008), provides the following definition:

"Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

14. Section 3.550 of the Act, 415 ILCS 5/3.550 (2008), provides the following definition:

"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

15. The pond discharges to an unnamed tributary of Sandy Creek, which is a "water" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2008).

16. Section 302.203 of the Illinois Pollution Control Board's ("Board") Water Pollution Regulations, 35 Ill. Adm. Code 302.203, prohibits offensive conditions in waters of the State:

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal, color or turbidity of other than natural origin. . . .

17. On April 16, 2008, the Illinois EPA inspected the site.

18. On April 16, 2008, piles of sediment from the pond were present on property located adjacent to Lake Jacksonville Road across from the site.

19. On April 16, 2008, sediment was also present at the upstream end of the pond.

20. A gully more than three (3) feet deep in the sediment on the construction site was observed where the pond discharged over the embankment and numerous other small gullies and rills were present in the dredged pond sediment. These gullies and rills carried silt, clay and sediment back into the pond and into the unnamed tributary of Sandy Creek.

21. On April 16, 2008, silt, clay and sediment from the pond dredging project were present in and around the unnamed tributary of Sandy Creek located in the valley below the dam on the downstream end of the pond.

22. The sediment had flowed more than three hundred (300) feet downstream from the toe of the dam with a maximum depth of more than fifteen (15) feet in some locations.

23. The sediment had been deposited on areas totaling more than one (1) acre, including the land adjacent to Lake Jacksonville Road, the area at the upstream end of the dam, as well as the valley below the dam.

23. No erosion controls were present at the site to prevent silt, clay and sediment from entering the unnamed tributary of Sandy Creek.

24. The Respondents failed to stabilize the embankment of the pond and the area where sediment was deposited below the dam allowing sediment to wash into the pond and the unnamed tributary of Sandy Creek.

25. Approximately two and a half (2.5) acres of land, including the bottom of the drained pond, had been disturbed by the pond reconstruction project.

26. On or before August of 2007, or a time better known by the Respondents, and continuing until the filing of this Complaint, Respondents caused, allowed or threatened the discharge of sediment from the site into the unnamed tributary of Sandy Creek, a water of the State, so as to cause or tend to cause water pollution.

27. Respondents failed to implement adequate erosion controls for the ground disturbed by the pond reconstruction activities, resulting in the discharge of silt, clay and sediment from the site in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2008).

28. Respondents allowed silt, clay and sediment to enter the unnamed tributary of Sandy Creek creating offensive conditions in the creek.

29. By so causing, allowing, or threatening to allow offensive conditions in the unnamed tributary of Sandy Creek, the Respondents violated the water quality standard of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

30. By so causing, allowing or threatening to cause water pollution, and by violating the water quality standard of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, the Respondents have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2008).

31. On or before August of 2007, or a date better known to the Respondents, and continuing until the filing of this Complaint, Respondents deposited sediment from the site in such place and manner so as to create a water pollution hazard.

32. Respondents deposited sediment upon the land at the site, including but not limited to the area upstream of the pond and the valley downstream of the pond's dam in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2008).

33. By depositing a contaminant upon the land in such place and manner so as to create a water pollution hazard, the Respondents have violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2008).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondents, KEVIN FAIRFIELD and SUE FAIRFIELD:

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

B. Finding that Respondents have violated the Act and regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), impose a civil penalty of not more than the statutory maximum; and

E. Granting such other relief as the Board may deem appropriate.

COUNT II

DISCHARGE WITHOUT AN NPDES PERMIT

1-24. Complainant realleges and incorporates herein by reference paragraphs 1 through 9 and 11 through 25 of Count I as paragraphs 1 through 35 of this Count II.

25. Section 12 of the Act, 415 ILCS 5/12 (2008), provides the following prohibitions:

No person shall:

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

26. Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

- a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

27. Beginning in August of 2007, or a date better known by the Respondents, the Respondents' pond reconstruction project ultimately disturbed approximately two and a half (2.5) acres of land.

28. At no time during the actual pond reconstruction project did the Respondents obtain coverage under the NPDES general stormwater permit for construction site activities ("NPDES permit") for discharges from the project.

29. On October 19, 2009, Respondents obtained coverage under the NPDES permit for the project.

30. Beginning in August of 2007, or a date better known by the Respondents, the Respondents caused, threatened or allowed the discharge of sediment, a contaminant, into an unnamed tributary of Sandy Creek, a water of the State, without an NPDES permit.

31. By so causing, threatening or allowing the discharge of a contaminant into a water of the State without an NPDES permit, the Respondents have thereby violated Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2008).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondents, KEVIN FAIRFIELD and SUE FAIRFIELD:

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

B. Finding that Respondents have violated the Act and regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), impose a civil penalty of not more than the statutory maximum; and

E. Granting such other relief as the Board may deem appropriate.

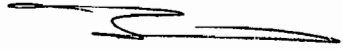
Respectfully submitted,

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: _____


THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:
MICHAEL D. MANKOWSKI
500 South Second Street
Springfield, Illinois 62706
217/557-0586
Dated: 6/14/10

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB No.
) (Water-Enforcement)
 KEVIN FAIRFIELD, an individual, and)
 SUE FAIRFIELD, an individual,)
)
 Respondents)

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 KEVIN FAIRFIELD, an individual, and SUE FAIRFIELD, an individual ("Respondents"), the Parties to the Stipulation and Proposal for Settlement ("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. (2008), and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to this Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties to the Stipulation

1. On the same date as the filing of this Stipulation, 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 (2008), against the Respondents.

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 (2008).

3. At all times relevant to the Complaint, Respondents were and continue to be residents of the State of Illinois.

B. Site Description

4. At all times relevant to this Complaint, Respondents were the owners of residential property located at 1990 Lake Jacksonville Road, Jacksonville, Morgan County, Illinois, 62650, ("the site").

5. A pond covers approximately one and one half (1.5) acres of the residential property ("the pond").

6. Beginning in August of 2007, the Respondents paid multiple contractors to perform a restoration project on the pond and adjacent areas on the Respondents' property.

7. During the project, the pond was drained and the bottom was dredged using a track hoe, with the entire area disturbed by the project covering approximate 2.5 acres.

8. Beginning in August of 2007, and continuing until a time better known to the Respondents, sediment dredged from the pond was deposited in a valley located below the pond dam.

9. Sediment was also deposited at the upstream end of the pond and in several piles on property located across Lake Jacksonville Road from the site.

10. Stormwater discharges from the site are regulated by the Illinois General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges

from Construction Site Activities.

C. Allegations of Non-Compliance

Complainant contends that the Respondents have violated the following provisions of the Act and Board regulations:

Count I: WATER POLLUTION, in violation of Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2008), and Section 302.203 of the Pollution Control Board's Water Regulations, 35 Ill. Adm. Code 302.203;

Count II: DISCHARGE WITHOUT AN NPDES PERMIT, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2008), and Section 309.102(a) of the Pollution Control Board's Water Regulations, 35 Ill. Adm. Code 309.102(a);

D. Admission of Violations

The Respondents admit to the violations alleged in the Complaint filed in this matter and referenced within Section I.C herein.

E. Compliance Activities to Date

Respondents applied for and were granted a general NPDES stormwater permit for the pond reconstruction project. Respondents developed and implemented a proper SWPPP for the site. The site has been seeded and is awaiting final growth of vegetative cover to complete the final stabilization of the site as required by the Respondents' general stormwater permit.

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 Respondents, as well as any successors or assigns of the Respondents. The Respondents 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 Respondents 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 (2008).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2008), 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 state the following:

1. The water quality of an unnamed tributary of Sandy Creek was adversely affected by the lack of stormwater controls at the site.
2. There is social and economic value to reconstructing the pond on the site. The pond had silted in to the point that the silt layer was within a few inches of the surface in places

around the pond.

3. Reconstruction of the pond was suitable for the area in which it occurred.
4. Using the proper erosion controls at the site and applying for and complying with a General NPDES stormwater permit was both technically practicable and economically reasonable.
5. Respondents have 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) (2008), 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 state as follows:

1. The lack of stormwater controls was first observed by the Illinois EPA on April 16 14, 2008. Significant erosion was observed on multiple visits. Substantial compliance with the Act and Board Regulations has since been achieved at the site.

2. Once made aware of its violations of the Act and Board Regulations, the Respondents attempted to resolve the violations. The Respondents have subsequently brought the site into substantial compliance.

3. The Respondents received minimal economic benefit from failing to obtain required permits in a timely fashion and to employ adequate erosion control measures at the Site.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Five Thousand and Five Hundred Dollars (\$5,500.00) will serve as an incentive to the Respondents and others involved in construction to obtain the required construction permits and to comply with the terms of the NPDES general stormwater permit.

5. The Respondents have no prior enforcement history.

6. The Respondents did not voluntarily disclose to the Illinois EPA the violations that are the subject of this case.

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 Five Thousand and Five Hundred Dollars (\$5,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondents 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 Respondents 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 and case 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:

Michael D. Mankowski
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

D. Future Compliance

The Respondents shall provide final stabilization for the site as required pursuant to their coverage under the General NPDES stormwater permit for construction site activities no later than June 30, 2010.

E. Release from Liability

In consideration of the Respondents' payment of the Five Thousand and Five Hundred Dollars (\$5,500.00) penalty, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondents 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 the same date as this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondents 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 Respondents' 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 (2008), or entities other than the Respondents.

F. Enforcement and Modification of Stipulation

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

G. Execution of Stipulation

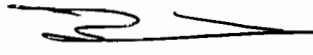
The undersigned representatives for each party to this Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

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

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

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

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

DATE: 6/14/10

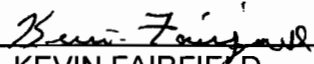
THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

DOUGLAS P. SCOTT, Director
Illinois Environmental Protection Agency

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 6/16/10

FOR THE RESPONDENTS:

BY: 
KEVIN FAIRFIELD

DATE: 5-28-10

BY: 
SUE FAIRFIELD

DATE: 5-28-10