

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by LISA MADIGAN, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 vs.)
)
 VILLAGE OF PINGREE GROVE,)
 an Illinois municipal corporation,)
)
)
 Respondent.)

PCB No. 13-23
(Enforcement – Water)

NOTICE OF FILING

To: See attached service list
(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board by electronic filing the following Complaint for Civil Penalties, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, copies of which are attached and hereby served upon you.

LISA MADIGAN
Attorney General
State of Illinois



 KRYSZYNA BEDNARCZYK

Dated: November 26, 2012

KRYSZYNA BEDNARCZYK
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 West Washington St., Suite 1800
Chicago, Illinois 60602
312.814.1511

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Service List

For Respondent Village of Pingree Grove

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For Illinois Environmental Protection Agency

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Illinois Environmental Protection Agency
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
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Complainant,)	
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vs.)	PCB No. 13-23
)	(Enforcement – Water)
VILLAGE OF PINGREE GROVE,)	
an Illinois municipal corporation,)	
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)	
Respondent.)	

COMPLAINT

The 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, complains of the Respondent, VILLAGE OF PINGREE GROVE, an Illinois municipal corporation, as follows:

COUNT I

CONSTRUCTING A TREATMENT WORKS WITHOUT A PERMIT

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, the 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 (2010).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly pursuant to Section 4 of the Act, 415 ILCS 5/4 (2010), and charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, Village of Pingree Grove (“Respondent” or “Pingree Grove” or “Village”) is an Illinois municipal corporation, duly organized and existing under the laws of the State of Illinois.

4. Respondent is a village with a population of approximately 193 residents, located in Kane County, eight miles northwest of Elgin, Illinois. Respondent provides Village property owners with certain municipal services, including public sewer service.

5. From on or about July 27, 2009, through the date of filing of this Complaint, Respondent has operated a wastewater treatment plant (the “WWTP”) at 500 Water Street in Pingree Grove, Illinois (the “Facility”).

6. A septic receiving station is located adjacent to the headworks of the Facility. The septic receiving station is designed to receive trucked-in wastewater. It is connected to the Facility via an influent line which also receives wastewater from the Village of Pingree Grove collection system.

7. Respondent operates the Facility pursuant to Operating Permit No. 2009-AO-2363 (the “Operating Permit”) issued by the Illinois EPA on July 27, 2009.

8. On or about August 4, 2006, the Illinois EPA issued to Respondent National Pollutant Discharge Elimination System Permit No. IL0077755 (the “NPDES Permit”). The NPDES Permit allows the Facility to discharge effluent to an unnamed tributary of Tyler Creek.

9. On March 1, 2011, Respondent submitted to Illinois EPA an application to renew its NPDES Permit.

10. Beginning in or about 2008 and continuing until at least February 18, 2011, Illinois EPA issued certain other permits to provide portions of Pingree Grove access to

wastewater treatment at the Facility, including permits to connect the Village's public sewer system to two proposed developments located along Route 20 in the Village.

11. On October 20, 2008, Illinois EPA issued to Respondent Water Pollution Control Permit No. 2008-HB-1337 (the "Minuteman Permit") for the construction and operation of 1,124 feet of eight-inch sanitary sewer and four manholes (the "Minuteman Water and Sewer Extension") at 14N845 U.S. Route 20 (the "Minuteman Property").

12. The Minuteman Permit authorized a connection between the Minuteman Water and Sewer Extension and a proposed eight-inch sanitary sewer ("Bell Land Water and Sewer Extension") which was to be constructed by Bell Land ("Bell Land") on land to the east of the Minuteman Property. A connection between the Minuteman Water and Sewer Extension and the Bell Land Water and Sewer Extension would have allowed wastewater generated at Minuteman to flow downstream to the Facility.

13. The Bell Land Water and Sewer Extension was not completed and placed into operation until November 30, 2011.

14. On a date prior to January 2009, or on a date or dates better known to Respondent, Pingree Grove constructed on the Minuteman Property a temporary 3,525-gallon holding tank (the "Holding Tank"). The Holding Tank was intended to, and did, hold sewage and wastewater.

15. Once the Holding Tank was constructed and connected to the Minuteman Water and Sewer Extension, Respondent pumped and hauled sewage and wastewater from the Holding Tank to the Facility.

16. On or about November 30, 2011, when the Bell Land Water and Sewer Extension was placed into operation, Respondent ceased the pump and haul operation between the Holding Tank and the Facility.

17. Beginning on or about January 22, 2009 and continuing through at least November 30, 2011, Respondent pumped and hauled wastewater between the Holding Tank and the Facility two times per week.

18. On May 20, 2011, the Illinois EPA inspected the Facility (the "May 20, 2011 Inspection").

19. At the time of the May 20, 2011 Inspection, the Bell Land Water and Sewer Extension that was to connect the Minuteman Water and Sewer Extension to the Facility had yet to be constructed.

20. At the time of the May 20, 2011 Inspection, the Holding Tank was located on the Minuteman property.

21. At the time of the May 20, 2011 Inspection, wastewater was located in a septic receiving station at the Facility. Upon information and belief, the wastewater was pumped from the Holding Tank and hauled to the septic receiving station at the Facility.

22. Respondent did not obtain from Illinois EPA a permit to construct the Holding Tank or to initiate the pump and haul operation between the Holding Tank and the Facility.

23. Respondent's operation of the Facility, the Holding Tank, the Minuteman Water and Sewer Extension and the Bell Land Water and Sewer Extension is subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board"). The Board's regulations for water pollution are found in Title 35, Subtitle C, Chapter I, of the Illinois Administrative Code ("Board Water Pollution Regulations").

24. Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), provides the following definition:

"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.

25. Respondent, Pingree Grove, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2010).

26. Section 3.165 of the Act, 415 5/3.165 (2010), provides the following definition:

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

27. Sewer and wastewater discharge are "contaminants" as that term is defined by 415 ILCS 5/3.165 (2010).

28. Section 3.550 of the Act, 415 ILCS 5/3.550 (2010), 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.

29. The unnamed tributary of Tyler Creek constitutes a "water" of the State as that term is defined by 415 ILCS 5/3.550 (2010).

30. Section 3.545 of the Act, 415 ILCS 5/3.545 (2010), 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 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.

31. Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), provides as follows:

No person shall:

- (b) Construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

32. The Holding Tank and the connection between the Holding Tank and the Minuteman Water and Sewer Extension were designed to prevent water pollution.

33. Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 309.202(a), provides as follows:

- (a) No person shall cause or allow the construction of any new treatment works, sewer or wastewater source or cause or allow the modification of any existing treatment works, sewer or wastewater source without a construction permit issued by the Agency, except as may be provided in paragraph (b).

34. Section 309.202(b) of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 309.202(b), provides as follows:

- (b) Construction permits shall not be required for the following:
 - 1) Storm sewers that transport only land runoff; or
 - 2) Any treatment works, sewer or wastewater source designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day (5700 l/day) of domestic sewage and which will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer; or
 - 3) Any sewer required by statute to secure a permit pursuant to Section 3 of "An Act to provide for, license and regulate mobile homes and mobile home parks", P.A. 77-1472,(Ill. Rev. Stat. 1981, ch. 111 1/2, par. 713); or
 - 4) Any treatment works, pretreatment works, sewer or wastewater source that, on the effective date of this Subpart B, is being constructed or will be constructed under the authorization of a permit already issued by the Agency or its predecessors; provided however, that all construction must be completed within four years from the effective date of this Subpart B; or

- 5) Privately owned sewers tributary to industrial treatment works owned by the same person if the additional waste load does not exceed the permitted design capacity of the industrial treatment works.

35. Section 301.415(a) of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 301.415, contains the following definition:

"TREATMENT WORKS" means individually or collectively those constructions or devices (except sewers, and except constructions or devices used for the pretreatment of wastewater prior to its introduction into publicly owned or regulated treatment works) used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of byproducts from such wastewater.

36. The Holding Tank is a "treatment works" as that term is defined in Section 301.415 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.415.

37. Section 301.390 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.390, contains the following definition:

"Sewer" means a stationary means of transport or stationary system of transport, excluding natural waterways, constructed and operated for the purpose of collecting and transporting wastewater or land runoff, or both.

38. The connection between the Holding Tank and the Minuteman Water and Sewer Extension is a "sewer" as that term is defined in Section 301.390 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.390.

39. None of the exceptions provided by Section 309.202(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(b), exempt Respondent, Pingree Grove, from obtaining a construction permit from Illinois EPA in accordance with Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a).

40. By failing to obtain a construction permit from Illinois EPA prior to constructing the Holding Tank, Respondent Pingree Grove caused or allowed the construction of new treatment

works without a construction permit issued by the Illinois EPA, in violation of Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a).

41. By failing to obtain a construction permit from Illinois EPA prior to constructing the sewer connection between the Holding Tank and the Minuteman Water and Sewer Extension, Respondent Pingree Grove constructed a new sewer without first obtaining a construction permit from the Illinois EPA, in violation of Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a).

42. By constructing equipment designed to prevent water pollution without a permit granted by Illinois EPA, Respondent violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, VILLAGE OF PINGREE GROVE, with respect to Count I, as follows:

1. Authorizing a hearing in this matter at which time the Respondent, Village of Pingree Grove, will be required to answer the allegations contained herein;

2. Finding that the Respondent, Village of Pingree Grove, has violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a);

3. Ordering the Respondent, Village of Pingree Grove, to comply with Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a);

4. Assessing against Respondent, Pingree Grove, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each

and every violation of the Act and pertinent regulations, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs of this action to the Respondent, Village of Pingree Grove, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), 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.

COUNT II

OPERATING A TREATMENT WORKS WITHOUT A PERMIT

1-39. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 39 of Count I as paragraphs 1 through 39 of Count II.

40. Section 309.203(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.203(a), provides as follows:

- (a) No person shall cause or allow the use or operation of any treatment works, sewer or wastewater source for which a construction permit is required under Section 309.202 without an operating permit issued by the Agency, except as may be authorized by a construction permit.

41. On or about November 18, 2011, Illinois EPA issued to Respondent Water Pollution Control Permit No. 2011-HB-2082. This permit authorized Respondent to operate the Holding Tank.

42. By failing to obtain an operating permit from Illinois EPA prior to operating the Holding Tank, Respondent, Pingree Grove, caused or allowed the use or operation of a treatment works without an operating permit issued by Illinois EPA, in violation of Section 309.203(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.203(a).

43. By failing to obtain an operating permit from Illinois EPA prior to operating the connection between the Holding Tank and the Minuteman Water and Sewer Extension,

Respondent, Pingree Grove, caused or allowed the use or operation of a sewer without an operating permit issued by Illinois EPA, in violation of Section 309.203(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.203(a).

44. By operating equipment designed to prevent water pollution without obtaining an operating permit from Illinois EPA, Respondent violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, VILLAGE OF PINGREE GROVE, with respect to Count II, as follows:

1. Authorizing a hearing in this matter at which time the Respondent, Village of Pingree Grove, will be required to answer the allegations contained herein;
2. Finding that the Respondent, Village of Pingree Grove, has violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and Section 309.203(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.203(a);
3. Ordering the Respondent, Village of Pingree Grove, to comply with Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and Section 309.203(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.203(a);
4. Assessing against Respondent, Pingree Grove, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs of this action to the Respondent, Village of Pingree Grove,

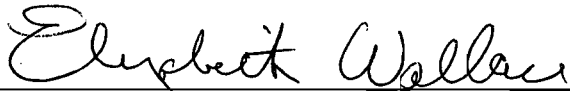
pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

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



ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

OF COUNSEL:

KRYSTYNA BEDNARCZYK
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 West Washington St., Suite 1800
Chicago, Illinois 60602
312.814.1511

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
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Complainant,)	
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vs.)	PCB No. 13-23
)	(Enforcement – Water)
VILLAGE OF PINGREE GROVE,)	
an Illinois municipal corporation,)	
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Respondent.)	

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 PINGREE GROVE (“Respondent”), (collectively “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. (2010), 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 November 26, 2012, 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 (2010), 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 (2010).

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.

4. At all times relevant to the Complaint, Respondent owned and operated a septic receiving station at a waste water treatment plant (the "WWTP") located at 500 Water Street, Pingree Grove, Kane County, Illinois (collectively, the "Facility" or "Site").

5. On a date prior to January 2009, Respondent constructed at 14N845 U.S. Highway 20 (the "Minuteman Property), a temporary 3,525-gallon tank (the "Holding Tank") to hold sewage and wastewater before its transport to the septic receiving station at the Facility.

6. On a date prior to January 2009, Respondent constructed and began to operate a sewer connection between the Holding Tank and a sanitary sewer line running across the Minuteman Property ("Minuteman Sewer and Water Extension").

7. Beginning on or about January 22, 2009, and continuing until at least November 18, 2011, Respondent operated the Holding Tank and the sewer connection.

B. Allegations of Non-Compliance

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

Count I: Constructing a Treatment Works Without a Permit
Violation of Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and
Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 309.202(a).

Count III: Operating a Treatment Works without a Permit
Violation of Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and
Section 309.203(a) of the Board Water Pollution Regulations, 35 Ill. Adm.
Code 309.203(a).

C. Admission of Violations

The Respondent admits to the violation(s) alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

1. On November 18, 2011, Respondent obtained Water Pollution Control Permit No. 2011-HB-2082 to operate the Holding Tank.
2. On November 30, 2011, Respondent discontinued its temporary pump and haul operations between the Holding Tank and the septic receiving station at the Facility.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2010).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2010), 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. Human health and the environment were threatened and the Illinois EPA's information gathering responsibilities hindered by the Respondent's violations.
2. There is social and economic benefit to the facility.
3. Operation of the facility was suitable for the area in which it occurred.
4. Obtaining a permit prior to construction and operation at the site and compliance with its terms 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) (2010, *effective as of August 23, 2011*),

provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

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

1. The Respondent failed to obtain a permit to construct and operate the Holding Tank. The Respondent also failed to obtain a permit to construct and operate the sewer connection between the Holding Tank and the Minuteman Water and Sewer Extension. The violations began on or around January 22, 2009, and were resolved on or about November 18, 2011.
2. Respondent operated the Holding Tank and the sewer connection between the

Holding Tank and the Minuteman Water and Sewer Extension for approximately two years without the proper permits. 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.

3. Respondent realized a small economic benefit by avoiding the payment of permit fees to Illinois EPA for permit applications associated with the construction and operation of the Holding Tank and the sewer connection between the Holding Tank and the Minuteman Water and Sewer Extension.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Ten Thousand Dollars (\$10,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was proposed by Respondent, but rejected by the Illinois EPA.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Ten Thousand Dollars (\$10,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services (Mail Code 2)
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

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

C. Future Compliance

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her 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.

D. Release from Liability

In consideration of the Respondent's payment of the \$10,000.00 penalty, and its commitment to cease and desist as contained in Section V.C.3 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 November 26, 2012. 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.

E. 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.

F. 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.

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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 ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

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

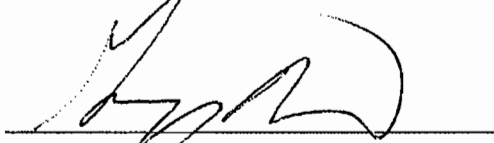
BY: _____
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: _____
JOHN J. KIM, Interim Director

DATE: _____

DATE: _____

RESPONDENT, VILLAGE OF
PINGREE GROVE:



TITLE: MAYOR

DATE: 11/21/2012


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

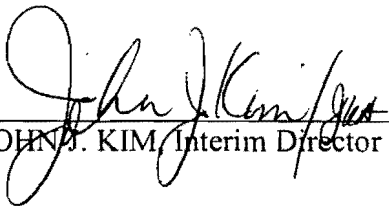
PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

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

BY: 
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: 
JOHN J. KIM, Interim Director

DATE: 11/26/12

DATE: _____

RESPONDENT, VILLAGE OF
PINGREE GROVE:

TITLE: _____

DATE: _____

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
vs.)	PCB No. 13-23
)	(Enforcement – Water)
VILLAGE OF PINGREE GROVE,)	
an Illinois municipal corporation,)	
)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2010), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2010). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 12(b) of the Act, 415 ILCS 5/12(b) (2010), and Sections 309.202(a) and 309.203(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a) and 309.203(a).
2. Complainant is filing the Complaint with the Board simultaneous with this Motion and a Stipulation and Proposal for Settlement.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

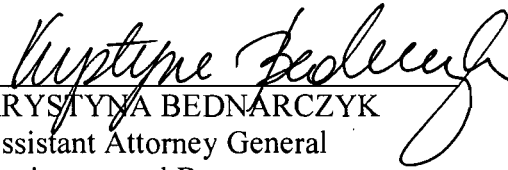
5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2010).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY: 
KRYSZYNA BEDNARCZYK
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 West Washington St., Suite 1800
Chicago, Illinois 60602
312.814.1511

DATE: November 26, 2012

CERTIFICATE OF SERVICE

I, Krystyna Bednarczyk, an Assistant Attorney General, certify that on the 26th day of November, 2012, I caused to be served by electronic mail and U.S. Certified Mail (return receipt requested), the foregoing Complaint, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirement and Notice of Filing to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



KRISTYNA BEDNARCZYK
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 West Washington St., Suite 1800
Chicago, Illinois 60602
312.814.1511