

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

Complainant, )

v. ) No.

SANITARY DISTRICT OF DECATUR, )  
an Illinois municipal authority, )  
)  
Respondent. )

**NOTICE OF FILING**

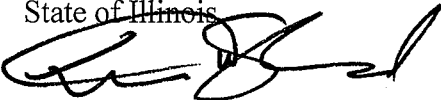
TO: Monte Cherry  
Executive Director  
Sanitary District of Decatur  
501 Dipper Lane  
Decatur, Illinois 62522

Joey Logan-Pugh  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on the 17<sup>th</sup> day of June 2014, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Motion to Request Relief From Hearing Requirement and Stipulation and Proposal for Settlement, copies of which are hereby served upon you.

Respectfully submitted,

LISA MADIGAN,  
Attorney General of the  
State of Illinois



By:

THOMAS H. SHEPHERD  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-5361

**CERTIFICATE OF SERVICE**

I, THOMAS H. SHEPHERD, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the foregoing Notice of Filing, Motion to Request Relief From Hearing Requirement, Stipulation and Proposal for Settlement, and caused them to be served this 17<sup>th</sup> day of June, 2014, upon the following persons:

Monte Cherry  
Executive Director  
Sanitary District of Decatur  
501 Dipper Lane  
Decatur, Illinois 62522

Joey Logan-Pugh  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

by depositing true and correct copies of same in an envelope, certified mail postage prepaid, with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601, at of before the hour of 5:00 p.m.

  
THOMAS H. SHEPHERD

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by LISA MADIGAN, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	No.
	)	
SANITARY DISTRICT OF DECATUR,	)	
an Illinois municipal authority,	)	
	)	
Respondent.	)	

**MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT**

Now comes Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant is filing a Stipulation and Proposal for Settlement executed between Complainant and Respondent 400 Condominium Association.

2. Section 31 of the Act, 415 ILCS 5/31 (2012), provides, in pertinent part, as follows:

\* \* \*

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the 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 now scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2012).

Respectfully submitted,

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

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

BY:



THOMAS H. SHEPHERD  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-5361

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
by LISA MADIGAN, Attorney )  
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SANITARY DISTRICT OF DECATUR, )  
an Illinois municipal authority, )  
)  
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 Respondent, SANITARY DISTRICT OF DECATUR (“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.* (2012), 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 June 17, 2014, 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 (2012), 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 (2012).

3. At all times relevant to this Complaint, Respondent was and is a municipal authority organized under the Sanitary District Act, 70 ILCS 2405/1 *et seq.*

4. At all times relevant to this Complaint, Respondent owned and operated a wastewater treatment plant and collection system located at 501 Dipper Lane, Decatur, Macon County, Illinois ("Facility").

5. At all times relevant to this Complaint, Respondent's Facility served the City of Decatur, the Village of Mount Zion, the Village of Forsyth, the Village of Oreana, and the Village of Argenta.

6. On July 1, 2007, the Illinois EPA issued to Respondent a National Pollutant Discharge Elimination System ("NPDES") permit numbered IL0028321 ("Permit") authorizing the discharge of effluent to the Sangamon River downstream of Lake Decatur.

7. Under the terms of the Permit, treatment of wastewater at Respondent's Facility consists of screening, grit removal, primary sedimentation, two-stage activated sludge treatment, secondary clarification, and primary and secondary anaerobic sludge digestion.

**B. Allegations of Non-Compliance**

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

Count I: Water Pollution

Violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

**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.

**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 (2012).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), 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. Respondent discharged wastewater containing levels of chlorine in excess of the daily maximum chlorine residual limit in Respondent's Permit resulting in a fish kill, thereby threatening human health and the environment.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Compliance with the Permit's 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) (2012), 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. On or about November 1, 2012, on dates better known to Respondent, Respondent discharged wastewater in the Sangamon River that contained levels of chlorine in excess of the daily maximum chlorine residual limit in Respondent's Permit resulting in a fish kill.
2. Respondent was diligent in attempting to come back into compliance with the Act and Board regulations once it became aware of its noncompliance.
3. Compliance with the Permit requires seasonal operation of Respondent's disinfection system installed at the Facility. On October 31, 2012, Respondent shut down the

disinfection system in preparation for Respondent's seasonal disinfection exemption to start on November 1, 2012. Respondent's actions have no apparent avoidance of costs to maintain compliance with the Permit, and, therefore, Respondent has received no economic benefit from its violations in this matter.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Five Thousand Dollars (\$5,000.00) 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. On November 5, 2012, Respondent self-reported to the Illinois EPA a fish kill in the Sangamon River downstream of Respondent's wastewater effluent outfall that was caused by a discharge of wastewater containing levels of chlorine in excess of the daily maximum chlorine residual limit in Respondent's Permit. Respondent's personnel investigated and determined the cause of the fish kill, and provided the information to the Illinois EPA.

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

8. A Compliance Commitment Agreement was not at issue in this matter.

## **V. TERMS OF SETTLEMENT**

### **A. Penalty Payment**

The Respondent shall pay a civil penalty in the sum of Five Thousand Dollars (\$5,000.00) 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**

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  
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:

Thomas H. Shepherd  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. 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.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$5,000.00 penalty and its commitment to cease and desist as contained in Section V.D.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 June 17, 2014. 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.

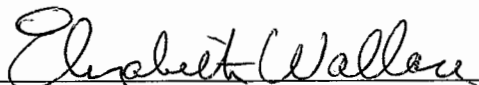
**PEOPLE OF THE STATE OF ILLINOIS**


**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

LISA MADIGAN  
Attorney General  
State of Illinois

LISA BONNETT, Director  
Illinois Environmental Protection Agency

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

BY:   
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 6/12/14

DATE: 6/6/14

**SANITARY DISTRICT OF DECATUR**

By: \_\_\_\_\_

Its: \_\_\_\_\_

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**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

LISA MADIGAN  
Attorney General  
State of Illinois

LISA BONNETT, Director  
Illinois Environmental Protection Agency

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

BY: \_\_\_\_\_  
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

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

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

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

**SANITARY DISTRICT OF DECATUR**

By: *Monte Cherry*  
Its: Executive Director

DATE: 5/8/14

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by LISA MADIGAN, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	No.
	)	
SANITARY DISTRICT OF DECATUR,	)	
an Illinois municipal authority,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Monte Cherry  
Executive Director  
Sanitary District of Decatur  
501 Dipper Lane  
Decatur, Illinois 62522

Joey Logan-Pugh  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a Complaint, Notice of Filing, and a Certificate of Service on behalf of the People of the State of Illinois, a copy of which is attached and herewith served upon you.

Section 103.204(f) of the Pollution Control Board Procedural Rules, 35 Ill. Adm. Code 103.204(f) provides: "Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney."



Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY: 

THOMAS H. SHEPHERD  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18<sup>th</sup> Fl.  
Chicago, IL 60602  
(312) 814-5361

DATE: June 17, 2014

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

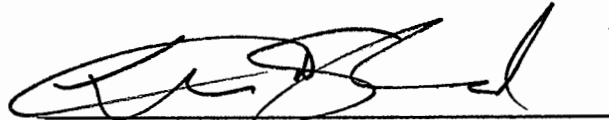
**CERTIFICATE OF SERVICE**

I, THOMAS H. SHEPHERD, an Assistant Attorney General, do certify that I caused to be served on this 17th day of June 2014, the foregoing Notice of Filing, Complaint, and a Certificate of Service, by U.S. Certified Mail (return receipt requested), upon the following persons:

Monte Cherry  
Executive Director  
Sanitary District of Decatur  
501 Dipper Lane  
Decatur, Illinois 62522

Joey Logan-Pugh  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

by depositing true and correct copies of same in an envelope, certified mail postage prepaid, with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601, at of before the hour of 5:00 p.m.

A handwritten signature in black ink, appearing to read 'T. H. Shepherd', written over a horizontal line.

THOMAS H. SHEPHERD

**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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an Illinois municipal authority, )  
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Respondent. )

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, SANITARY DISTRICT OF DECATUR, as follows:

**COUNT I**

**WATER POLLUTION**

1. This Complaint 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"), against Respondent SANITARY DISTRICT OF DECATUR ("Respondent"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2012).

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 (2012), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent was and is a municipal authority organized under the Sanitary District Act, 70 ILCS 2405/1 *et seq.*

4. At all times relevant to this Complaint, Respondent owned and operated a wastewater treatment plant and collection system located at 501 Dipper Lane, Decatur, Macon County, Illinois ("Facility").

5. At all times relevant to this Complaint, Respondent's Facility served the City of Decatur, the Village of Mount Zion, the Village of Forsyth, the Village of Oreana, and the Village of Argenta.

6. On or about November 1, 2012, on dates better known to Respondent, Respondent released into the Sangamon River wastewater from the Facility that contained a high level of chlorine.

7. On November 5, 2012, Respondent reported to the Illinois EPA a fish kill in the Sangamon River downstream of Respondent's wastewater effluent outfall ("Fish Kill"). Respondent reported that the Fish Kill was caused by a higher than normal chlorine level in the wastewater effluent.

8. On November 6, 2012, the Illinois Department of Natural Resources ("IDNR") inspected the Facility and the area of the Fish Kill.

9. At the time of IDNR's November 6, 2012 inspection, the Fish Kill extended 0.8 miles downstream of Respondent's effluent outfall.

10. On November 7, 2012, the Illinois EPA inspected the Facility and the area of the Fish Kill.

11. At the time of the Illinois EPA's November 7, 2012 inspection, there were several dead fish greater than 24 inches in length in the Sangamon River at the area of the Fish Kill.

12. At the time of the Illinois EPA's November 7, 2012 inspection, the water in the Sangamon River in the area of the Fish Kill was dark and turbid.

13. On November 9, 2012, Respondent submitted to the Illinois EPA a Five-Day Noncompliance Report regarding the Fish Kill ("Noncompliance Report"). In the Noncompliance Report, Respondent stated that the Fish Kill was likely caused by an unintended release of wastewater with a high level of chlorine on November 1, 2012.

14. On November 29, 2012, IDNR submitted to the Illinois EPA an investigation report regarding the Fish Kill ("IDNR Report").

15. In the IDNR Report, IDNR estimated that 7,150 fish were killed in the Fish Kill.

16. Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment of 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.

17. Section 3.545 of the Act, 415 ILCS 5/3.545 (2012), 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 domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

18. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides the following definition:

"Person" means 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.

19. Respondent, a corporation, is a "person" as that term is defined in Section 3.315 of the Act.

20. Section 3.165 of the Act, 415 ILCS 5/3.165 (2012), provides the following definition:

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

21. The wastewater containing a high level of chlorine discharged from Respondent's Facility is a "contaminant," as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2012).

22. Section 3.550 of the Act, 415 ILCS 5/3.550 (2012), 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 the State.

23. The wastewater containing a high level of chlorine discharged from Respondent's Facility directly into the Sangamon River.

24. The Sangamon River constitutes "waters" as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2012).

25. On or about November 1, 2012, on dates better known to Respondent, Respondent caused or allowed the discharge of a contaminant into the Sangamon River that caused the Fish Kill.

26. The discharge of the contaminant into the Sangamon River that resulted in a fish kill has caused or tended to cause water pollution, in that such discharges have likely rendered the waters of the State 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, and have likely created a nuisance.

27. By causing or allowing the discharge of contaminants in such a manner as to cause or tend to cause water pollution, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board enter an order against Respondent SANITARY DISTRICT OF DECATUR on this Count I:

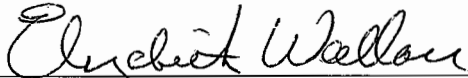
1. Authorizing a hearing in this matter at which Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012);
3. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2012);
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Respondent for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

PEOPLE OF THE STATE OF ILLINOIS,

by 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:

THOMAS H. SHEPHERD  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-5361