





(a) No person shall:

- (1) Knowingly cause, threaten or allow the distribution of water from any public water supply of such quality or quantity as to be injurious to human health; or
- (2) Violate regulations or standards adopted by the Agency pursuant to Section 15(b) of this Act or by the Board under this Act; ...

5. Section 19 of the Act, 415 ILCS 5/19 (2012) provides:

Owners or official custodians of public water supplies shall submit such samples of water for analysis and such reports of operation pertaining to the sanitary quality, mineral quality, or adequacy of such supplies as may be requested by the Agency. Such samples and reports shall be submitted within 15 days after demand by the Agency.

6. Respondent, Village of Chesterfield, an Illinois municipal corporation with a population of 180 that provides water for drinking or general domestic use via 130 service connections located in Macoupin County.

7. Village of Chesterfield operates a "public water supply" as that term is defined under Section 3.365 of the Act, 415 ILCS 5/3.365 (2012), as follows:

"Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

8. Respondent, Village of Chesterfield, operates a "community water supply" as that term is defined under Section 3.145 of the Act, 415 ILCS 5/3.145 (2012), as follows:

"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.

9. Section 611.831 of the Board's Public Water Supplies Regulations, 35 Ill. Adm.

Code 611.831, provides that:

Within 30 days following the last day of the month, each CWS supplier shall submit a monthly operating report to the Agency on forms provided or approved by the Agency.

10. Section 602.115 of the Board's Public Water Supplies Regulations, 35 Ill. Adm.

Code 602.115, provides that:

a) The Agency may adopt criteria in rules for the design, operation, and maintenance of public water supply facilities as necessary to insure safe, adequate, and clean water. These criteria shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.

11. Section 653.605 of the Board's Public Water Supplies Regulations, 35 Ill.

Adm. Code 653.605, provides:

A copy of the daily operating report records signed by the certified operator or registered person in responsible charge shall be submitted to the Illinois Environmental Protection Agency each month as required by 35 Ill. Adm. Code 606.101. These operating reports shall show:

- 1) amount of water pumped;
- 2) chlorine chemical used;
- 3) amount of chlorine chemical fed;
- 4) calculated chlorine dosage; and
- 5) residual chlorine test results.

b) An individual set of records shall be maintained for each installation when more than one source of water with separate chlorination equipment is used.

c) A copy of the daily operating report shall be maintained by the official custodian of the community water supply.

12. The following chart reflects all of the monthly reports received by Illinois EPA for the Village of Chesterfield from July 2010 until August of 2013 and whether or not the report was timely submitted.

Year	Month	Date Received	Report Due Before	Days late
2010	July	August 19, 2010	August 30, 2010	Timely, Missing chlorine tests
2010	August	June 14, 2011	September 30, 2010	257
2010	September	June 14, 2011	October 30, 2010	227
2010	October	June 14, 2011	November 30, 2010	196
2010	November	June 14, 2011	December 30, 2010	166
2010	December	June 14, 2011	January 30, 2011	135
2011	January	July 27, 2011	March 1, 2011	148
2011	February	July 27, 2011	March 30, 2011	119
2011	March	July 27, 2011	April 30, 2011	88
2011	April	July 27, 2011	May 30, 2011	58
2011	May	July 27, 2011	June 30, 2011	27
2011	June	August 3, 2011	July 30, 2011	4
2011	July	September 2, 2011	August 30, 2011	3
2011	August	September 23, 2011	September 30, 2011	Timely
2011	September	November 1, 2011	October 30, 2011	2
2011	October	December 1, 2011	November 30, 2011	1
2011	November	January 3, 2012	December 30, 2011	4
2011	December	February 29, 2012	January 29, 2012	31
2012	January	April 24, 2012	March 1, 2012	54
2012	February	April 24, 2012	March 30, 2012	25
2012	March	July 6, 2012	April 30, 2012	67
2012	April	July 6, 2012	May 30, 2012	37
2012	May	July 6, 2012	June 29, 2012	7
2012	June	September 11, 2012	July 30, 2012	43 Chlorine tests missing
2012	July	October 2, 2012	August 30, 2012	33
2012	August	December 5, 2012	September 30, 2012	66
2012	September	December 24, 2012	October 30, 2012	55
2012	October	January 3, 2013	November 29, 2012	35
2012	November	January 3, 2013	December 30,	4

			2012	
2012	December	March 4, 2013	January 30, 2013	33
2013	January	July 3, 2013	March 2, 2013	123
2013	February	July 3, 2013	March 30, 2013	95
2013	March	July 3, 2013	April 30, 2013	64
2013	April	July 5, 2013	May 30, 2013	36
2013	May	July 5, 2013	June 30, 2013	5
2013	June	September 3, 2013	July 30, 2013	35
2013	July	September 26, 2013	August 30, 2013	27
2013	August	October 25, 2013	September 30, 2013	25

13. Illinois EPA received the Village of Chesterfield's monthly operating reports and chlorination reports from September 2013 through August 2014 on September 25, 2014.

14. Village of Chesterfield failed to timely submit the required chlorination operating records for the months of July 2010 through July 2011, September 2011 through August 2013, and September 2013 through July 2014, thereby violating Section 19 of the Act, 415 ILCS 5/19 and Section 653.605 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 653.605.

15. Village of Chesterfield failed to timely submit the required monthly operating reports for the months of July 2010 through July 2011, September 2011 through August 2013, and September 2013 through July 2014, thereby violating Section 19 of the Act, 415 ILCS 5/19 and Section 611.831 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.831.

16. By failing to comply with Sections 611.831 and 653.605 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.831 and 653.605, the Respondent thereby violated Sections 18(a)(1), 18(a)(2) and 19 of the Act, 415 ILCS 5/18(a)(1), 18(a)(2), 19 (2012).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an Order against the Respondent, Village of Chesterfield:

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

B. Finding that Village of Chesterfield has violated the Act and regulations as alleged herein;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2012), impose upon the Respondents a monetary penalty of not more than the statutory maximum;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

F. Grant such other and further relief as the Board deems appropriate.

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

BY: Matthew J. Dunn

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

Of Counsel  
Elizabeth Dubats  
Attorney No. 6308913  
500 South Second Street  
Springfield, Illinois 62706  
217/557-0586  
Dated: January 9, 2015





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 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 public water system serving a population of 180 via 130 direct service connections, Macoupin County, Illinois.

**B. Allegations of Non-Compliance**

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

Count I: Failure to Timely Submit Monthly Operating Reports

1. Village of Chesterfield failed to timely submit the required chlorination operating records for the months of July 2010 through July 2011, September 2011 through August 2013, and September 2013 through July 2014, thereby violating Section 19 of the Act, 415 ILCS 5/19, and Section 653.605 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 653.605 (2012).

2. Village of Chesterfield failed to timely submit the required monthly operating reports for the months of July 2010 through July 2011, September 2011 through August 2013, and September 2013 through July 2014, thereby violating Section 19 of the Act, 415 ILCS 5/19, and Section 611.831 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.831 (2012).

3. By failing to comply with Sections 611.831 and 653.605 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.831 and 653.605, the Respondent thereby violated Sections 18(a)(1), 18(a)(2) and 19 of the Act, 415 ILCS 5/18(a)(1), 18(a)(2), 19 (2012).

**C. Admission of Violations**

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

**D. Compliance Activities to Date**

On September 25, 2014, the Village of Chesterfield submitted monthly operating reports including the required chlorination data for the months of September 2013 through August 2014. The Village of Chesterfield also committed to implementing an operating procedure to ensure timely future submissions of reports.

**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. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations thereby threatening human health and the environment. Without the ability to review Monthly Operating Reports, the Illinois EPA is unable to assess the quality of Respondent's drinking water in order to assure its safe distribution to members of Respondent's community.

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. Reporting monthly operation and chlorination data 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. The Respondent failed to submit operating reports including chlorination activities. The violations began on or around July of 2010, and reports have been consistently late-filled until the present. This is a long-term violation.
2. This is a long-term violation that has persisted for three years in spite of Illinois

EPA notifications and commitments from Respondent to submit these reports in a timely fashion. Prior to receiving enforcement notification from Complainant, Respondent has not been diligent in remedying the violations. However, since the initiation of enforcement proceedings, Respondent has been diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations.

3. The economic benefit to Respondent in not submitting monthly operating reports containing all of the required data on time is de minimis.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Two Thousand dollars (\$2,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. Respondent had drinking water violations referred to the Attorney General's Office for enforcement in 1999 for having a wastewater line constructed too close to a public water main.

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 not at issue in this matter.

## V. TERMS OF SETTLEMENT

### A. **Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Two Thousand Dollars (\$2,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

### B. **Stipulated Penalties, Interest, and Default**

1. If the Respondent fails to complete any activity or fails to comply with any

response or reporting requirement by the date specified in this Stipulation, the Respondent shall provide notice to the Complainant of each failure to comply with this Stipulation and shall pay stipulated penalties in the amount of \$20 per day until such time that compliance is achieved. The Complainant may make a demand for stipulated penalties upon the Respondent for its noncompliance with this Stipulation. However, failure by the Complainant to make this demand shall not relieve the Respondent of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date the Respondent knows or should have known of its noncompliance with any provision of this Stipulation.

2. 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.

3. 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.

4. The stipulated penalties shall be enforceable by the Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

**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:

Elizabeth Dubats  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**D. Future Compliance**

1. Respondent shall timely submit complete Monthly Operating Reports with data from each day, including chlorination operating data, within 30 days of the last day of each month pursuant to Sections 611.831 and 653.605 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.831 and 653.605, and Section 19 of the Act, 415 ILCS 5/19 (2012).

2. Respondent shall develop and implement a written standard operating procedure that ensures future compliance with Illinois EPA Monthly Operating Report requirements. Within 30 days of the Board's adoption and acceptance of this Stipulation, Respondent shall submit a copy of its standard operating procedure to the individuals identified in Section V.F.

3. 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.

4. 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.

5. 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 \$2,000.00 penalty, its commitment to cease and desist as contained in Section V.D. above, completion of all activities required hereunder, 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 concurrently with this Stipulation. 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. Correspondence, Reports and Other Documents**

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Elizabeth Dubats  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

Mike Roubitchek  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

David Cook  
Bureau of Water, Division of Public Water Supply  
Permits Section  
Illinois Environmental Protection Agency

1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

**G. Enforcement and Modification of Stipulation**

1. 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.

**H. 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  
  
LISA MADIGAN  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

LISA BONNETT, Director  
Illinois Environmental Protection Agency

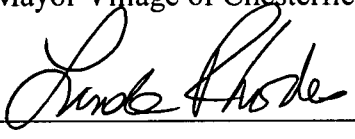
BY:   
MATTHEW J. DUNN,  
Chief Environmental Enforcement/  
Asbestos Litigation Division

BY:   
JOHN J. KIM,  
Chief Legal Counsel

DATE: 12/31/14

DATE: 12/24/14

RESPONDENT  
Linda Rhodes,  
Mayor Village of Chesterfield



DATE: 12/10/14

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO. 14-</b>
	)	<b>(Enforcement)</b>
	)	
<b>VILLAGE OF CHESTERFIELD,</b>	)	
<b>an Illinois municipal corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**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) (2014), moves that the Illinois Pollution Control 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) (2014). In support of this motion, Complainant states as follows:

1. On today's date, January 9, 2015, a Complaint was filed with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. 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) (2014).

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) (2014).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY: s/Elizabeth Dubats  
ELIZABETH DUBATS  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

**CERTIFICATE OF SERVICE**

I hereby certify that I did on January 9, 2015, cause to be served by Certified 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, STIPULATION AND PROPOSAL FOR SETTLEMENT and MOTION FOR RELIEF FROM HEARING REQUIREMENT upon the following:

Village of Chesterfield  
c/o Linda Rhodes  
Mayor of Chesterfield  
P.O. Box 143  
Chesterfield, IL 62630

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794

s/Elizabeth Dubats  
ELIZABETH DUBATS  
Assistant Attorney General

This filing is submitted on recycled paper.