

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
vs.	)	PCB No. 2015 -155
	)	(Water – Enforcement)
	)	
ILLINOIS AMERICAN WATER COMPANY,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING AND SERVICE**

To: ALL PERSONS ON THE ATTACHED CERTIFICATE OF SERVICE

Please take note that today, September 12, 2016, Complainant, People of the State of Illinois, filed a Notice of Filing and Service, a Motion for Waiver of Hearing Requirement, and a Stipulation and Settlement Agreement with the Clerk of the Pollution Control Board in the above-referenced case, copies of which are hereby served upon you.

Respectfully Submitted,

By: s/ Evan J. McGinley  
EVAN J. McGINLEY  
Assistant Attorneys General  
Environmental Bureau  
69 W. Washington, 18<sup>th</sup> Floor  
Chicago, Illinois 60602  
(312) 814-3153  
[emcginley@atg.state.il.us](mailto:emcginley@atg.state.il.us)  
[mccaccio@atg.state.il.us](mailto:mccaccio@atg.state.il.us)

**CERTIFICATE OF SERVICE**

***People of the State of Illinois v. Illinois American Water Company***

I, EVAN J. MCGINLEY, do hereby certify that, today, September 12, 2016, I caused to be served by electronic mail, true and correct copies of this attached Notice of Filing, a Motion for Waiver of Hearing Requirement, and a Stipulation and Settlement Agreement in the above referenced case, on the individuals listed below:

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

John Therriault  
Clerk of the Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
[john.therriault@illinois.gov](mailto:john.therriault@illinois.gov)

Dale A. Guariglia  
Erin L. Brooks  
Bryan Cave LLP  
One Metropolitan Square  
211 North Broadway, Suite 3600  
St. Louis, Missouri 63102-2750  
[daguariglia@bryancave.com](mailto:daguariglia@bryancave.com)  
[erin.brooks@bryancave.com](mailto:erin.brooks@bryancave.com)

s/ Evan J. McGinley  
Evan J. McGinley

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**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 (“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. The Complaint in this matter alleges violations of Sections 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2014), and Section 306.304 of the Board Water Regulations, 35 Ill. Adm. Code, 35 Ill. Adm. Code 306.304.
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) (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  
State of Illinois

BY: s/ Evan J. McGinley  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609  
Primary e-mail address: [emcginley@atg.state.il.us](mailto:emcginley@atg.state.il.us)  
Secondary e-mail address: [mcacaccio@atg.state.il.us](mailto:mcacaccio@atg.state.il.us)

DATE: September 12, 2016

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**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and Illinois-American Water Company (“Respondent” or “IAWC”), (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. (2014), 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 January 30, 2015, a Complaint was filed with the Board, 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 (2014), 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 (2014).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation duly organized and existing under the laws of the State of Illinois and authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a number of community sanitary sewer systems within the State of Illinois, including one within the Village of Mount Prospect, Cook County, Illinois ("Mt. Prospect System"), and a second one in the Village of Lisle, DuPage County, Illinois ("Lisle System"). The Respondent's operation of the Mt. Prospect and Lisle Systems is authorized under a tariff issued by the Illinois Commerce Commission (Illinois American-Water Company, Belleville, Illinois, Rules, Regulations and Conditions of Sanitary Sewer Service, in the Chicago-Metro District, Serving the areas of Alpine Heights, Arbury, Central States, Chicago and Suburban, County Club, DuPage, Fernway, Forest Estates, Moreland, Nettle Creek, Potter Golf, Ridgecrest, River Grange, Rollins, Santa Fe, Southwest Suburban, Sunset Manor, Terra Cotta, Valley Marina, Valley View, Waycinden, Wet Suburban and Environs in Cook, DuPage, Grundy, Kane, Kendall, McHenry, and Will Counties, Illinois) ("Tariff").

5. The Complaint alleges that five separate sanitary sewer overflows occurred from the Mt. Prospect and Lisle Systems during the months of January and March, 2013. Illegal connections to sanitary sewers, such as in the Lisle System, contribute to conditions which give rise to sanitary sewer overflows.

**B. Allegations of Non-Compliance**

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

Act and Board regulations:

- Count I:** **Water Pollution** - in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).
- Count II:** **Creation of a Water Pollution Hazard** - in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2014).
- Count III:** **Violations of Pollution Control Board Regulations** – in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2014); and Sections 306.102(a), and 306.304 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.102(a) and 306.304.

**C. Non-Admission of Violations**

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

**D. Compliance Activities to Date**

The Respondent has completed the following compliance measures:

1. Mount Prospect System:

- a. Cleaned and televised the segments of sewer collection main tributary to Manhole 617 at Wheeling Road and cleaned the sewers of grease and tree roots.
- b. Replaced 14 feet of 8-inch clay pipe with 8-inch SDR 26 PVC pipe in the vicinity of 1200-1216 Wheeling Drive. This work was completed by April 12, 2013.
- c. Evaluated and replaced an existing 8-inch force main along Seminole Lane between the Park & Willow and the Lee & Willow lift stations.

- d. Installed approximately 1,884 linear feet of new 8-inch PVC force main along Seminole Lane.

2. Lisle System:

- a. Rodded and cleaned sewer segments between Manhole 17 and the DuPage County offload point, and between Manhole 36 and the DuPage County offload point. The work was completed by May 23, 2013.
- b. Installed Cured in Place Pipe ("CIPP") lining of 24,350 linear feet of 8-inch and 10-inch sanitary sewers in the DuPage service area collection system. This included CIPP lining of all non-PVC sanitary collection mains within the south basin of IAWC's DuPage service area that were not previously lined or grouted as a result of recommendations from the 2007 RJN Consultants system assessment. Additional CIPP lining work was completed in the north DuPage collection basin. The work was performed during the spring and summer of 2013 and was completed on September 27, 2013.
- c. Completed smoke testing for the South Basin of the DuPage County collection system, which contains the Lisle System. This work was performed in October 2014.

3. Mt. Prospect and Lisle Systems

- a. Beginning on or about October 21, 2014 and concluding on or about February 25, 2015, Respondent sent mailers to designated customers in Catchments 1 and 41 and the Lift Station Catchment of the Lisle System advising them of Respondent's intention to conduct inspections for illegal connections from the customers' properties into Respondent's sewer system.
- b. Beginning on or about November 26, 2014 and continuing through March 15,



2015, Respondent had a contractor conduct inspections of the customers' properties. As of the date of the filing of this Stipulation, Respondent has completed inspections of almost all of the designated customer properties in the Lisle System. As of the date of the filing of this Stipulation, less than five (5) properties remain to be inspected.

## 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 (2014).

The Respondent shall notify each contractor to be retained to perform work required in this Stipulation of each of the requirements of this Stipulation relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Stipulation to each contractor already retained no later than thirty (30) calendar days after the date of entry of this Stipulation, unless the contractor has already completed the work.

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Respondent under this Stipulation. In the event that the Respondent proposes to sell or transfer any real property or operations subject to this Stipulation prior to the completion of the work set forth in Section V.D.1-8 of this Stipulation, the Respondent shall

notify the Complainant thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Respondent shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Respondent site access and all cooperation necessary for Respondent to perform to completion any compliance obligation(s) required by this Stipulation. The Respondent shall provide a copy of this Stipulation to any such successor in interest and the Respondent shall continue to be bound by and remain liable for performance of all obligations under this Stipulation. In appropriate circumstances, however, the Respondent and a proposed purchaser or operator of the facility may jointly request, and the Complainant, in its discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, the Respondent. This provision does not relieve the Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2014), 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 contends that human health and the environment were threatened by the Respondent's violations by allowing sewer overflows to occur in both the Mt. Prospect and Lisle Systems.
2. There is social and economic benefit to the operation of both the Mt. Prospect and Lisle Systems.
3. Operation of the facility was and is suitable for the area in which it is located.
4. Operating and maintaining the Mount Prospect and Lisle Systems in compliance with the Act and Board regulations 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) (2014), 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 Illinois EPA contends that the Respondent failed to maintain and operate the Mount Prospect and Lisle Systems in compliance with the Act and Board Regulations resulting in a number of violations. The violations related to the Mt. Prospect Systems occurred on or about January 18, January 21, and January 23, 2013, and the violations related to the Lisle System occurred on March 10, 2013. All of the aforementioned violations were resolved within twenty-four hours of the start of each overflow.

2. Respondent was diligent in attempting to come back into compliance with the Act, Board Regulations and applicable federal regulations, once it became aware of the violations.

3. Any economic benefit which the Respondent may have derived from delaying compliance is deemed to have been minimal. To date IAWC indicates it has spent approximately \$250,000.00 in repairs and upgrades to its Mount Prospect system, and \$743,000.00 on its Lisle system.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Twenty Thousand Dollars (\$20,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. Respondent was the subject of a prior enforcement case brought by Complainant, (i.e., *People v. Illinois American Water Company*, PCB 06-15 (Enforcement-PWS)), involving Respondent's failure to apply to the Illinois EPA for a permit, prior to the installation of new water service lines, in Homer Township, Will County, Illinois. The prior enforcement case was resolved with the entry of a Stipulation and Settlement Agreement between Complainant and Respondent and which was accepted and entered by the Board on March 16, 2006.

6. Respondent self-disclosed all violations 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 Twenty Thousand Dollars (\$20,000.00) 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 One Hundred and Seventy-Five Dollars (\$175.00) per day until such time as 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 knew 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:

Evan J. McGinley  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. Within thirty (30) days from the date that the Board accepts this Stipulation, Respondent shall submit to Complainant, for Complainant's review and approval, a written update on the status of all post-December 2013 work performed on the Mt. Prospect and Lisle Systems, as of the date of the Board's acceptance of this Stipulation.

2. By December 31, 2016 and annually thereafter, Respondent shall conduct cleaning of the following portions of the Mt. Prospect System:

- a. All sewer collection lines tributary to the lift station at 1086 Cove Drive, in the apartment complex bound by Burning Bush Drive, Apple Drive, Plaza Drive, and Palatine Road in Prospect Heights.
- b. All sewer collection lines within the apartment complex bound by Crabapple Drive, Blossom Lane, and Apple Drive in Prospect Heights.
- c. All sewer collection lines within the apartment complex bound by East Drive, Kensington Road, Wheeling Road, and Euclid Avenue in Prospect Heights.

Such cleaning shall continue through the 2020 calendar year and shall be in addition to the normal scheduled cleaning of the other portions of the Mt. Prospect System.

3. Within ninety (90) days from the date that the Board accepts this Stipulation, Respondent shall implement a customer education program in its Chicago Suburban service area, which shall consist of at least one live presentation and shall be open to all persons living within the Chicago Suburban service area , that discusses the issues related to illegal sewer system connections and proper grease disposal ("Customer Education Program"). Prior to giving the first live presentation for the Customer Education Program, Respondent shall provide written notice of this program in its billing statements to its customer.

4. Within sixty (60) days from the date that the Board accepts this Stipulation, Respondent shall complete the inspection of all remaining homes in the Lisle System which Respondent has previously not inspected, in order to identify any illegal connections of roof drains, sump pumps, and basement drains for the 251 residences within Catchments 1 and 41.

5. Within ninety (90) days from the date that the Board accepts this Stipulation, Respondent shall submit to the Complainant, for Complainant's review and approval, pursuant to the notice provisions of this Stipulation, under Section V.F, below, a plan for the resolution of all remaining illegal connection issues which Respondent has documented either during its initial inspection efforts described above under Section I.D.3 or under Section V.D.4 of this Stipulation ("Plan"). The Plan shall contain a detailed discussion of the means by which Respondent will seek to resolve all remaining illegal connections and a proposed schedule for such work. Upon Complainant's approval of the Plan, Respondent shall undertake the work set forth in the approved Plan and in accordance with the schedule in the approved Plan.

6. Within thirty (30) days after Respondent completes the implementation of the work in the Plan as provided for under Section V.D.5, above, Respondent shall submit a written report to Complainant summarizing the status of the above projects and requirements.



7. 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 facilities which are 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.

8. 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.

9. 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 \$20,000.00 penalty, its commitment to cease and desist as contained in Section V.D.9 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 on January 30, 2015. 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

Evan J. McGinley  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

Charles Gunnarson  
Acting Deputy Chief Legal Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Maureen Brehmer  
Bureau of Water  
Field Operations Section  
Illinois Environmental Protection Agency  
9511 West Harrison Street  
Des Plaines, Illinois 60016

As to the Respondent

Kenneth C. Jones  
Vice President-Legal  
Illinois-American Water Company  
Belleville, IL 62223

Sr. Manager Field Services and Production  
Illinois-American Water Company – Chicago Metro  
1000 International Parkway  
Woodridge, IL 60517

**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.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

**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.

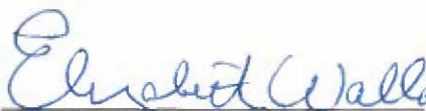
PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

ALEC MESSINA, Acting Director  
Illinois Environmental Protection Agency

BY:   
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 9/12/16

DATE: 9/6/16

RESPONDENT

ILLINOIS AMERICAN WATER  
COMPANY

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

LISA MADIGAN  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

ALEC MESSINA, Acting Director  
Illinois Environmental Protection Agency

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

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

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

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

RESPONDENT

ILLINOIS AMERICAN WATER  
COMPANY

By: Michael A. Smyth

Its: Michael A. Smyth  
VP of Operations

DATE: September 7, 2016