



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JUL 06 2006

STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan
ATTORNEY GENERAL

June 30, 2006

PLB07-003

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. East Lynn Community Water System, Inc.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Michael D. Mankowski
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

MDM/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 06 2006

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 EAST LYNN COMMUNITY WATER)
 SYSTEM, INC., an Illinois corporation,)
)
 Respondent.)

PCB No. 07-003
(Enforcement)

NOTICE OF FILING

To: East Lynn Community Water System, Inc.
c/o Jane E. Steiner, R.A.
7741 Broadway
East Lynn, IL 60932

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: *Michael D. Mankowski*

MICHAEL D. MANKOWSKI
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: June 30, 2006

CERTIFICATE OF SERVICE

I hereby certify that I did on June 30, 2006, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, APPEARANCE and COMPLAINT

To: East Lynn Community Water System, Inc.
c/o Jane E. Steiner, R.A.
7741 Broadway
East Lynn, IL 60932

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601



MICHAEL D. MANKOWSKI
Assistant Attorney General

This filing is submitted on recycled paper.

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 06 2006

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
)
 Complainant,)
)
 vs.)
)
 EAST LYNN COMMUNITY WATER)
 SYSTEM, INC., an Illinois corporation,)
)
 Respondent.)

PCB No. 07-003
(Enforcement)

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, MICHAEL D. MANKOWSKI, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

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

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

BY: Michael D. Mankowski
MICHAEL D. MANKOWSKI
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: June 30, 2006

RECEIVED
CLERK'S OFFICE

JUL 06 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 EAST LYNN COMMUNITY WATER)
 SYSTEM, INC., an Illinois corporation,)
)
 Respondent.)

PCB No. 07-003
(Water-Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, EAST LYNN COMMUNITY WATER SYSTEM, INC., an Illinois not-for-profit corporation, as follows:

COUNT I

FAILURE TO DESIGNATE A RESPONSIBLE PERSON

AND FAILURE TO NOTIFY ILLINOIS EPA

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2004).
2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2004), and charged *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").
3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2004), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.
4. The Respondent, East Lynn Community Water System, ("East Lynn") is an

Illinois not-for-profit corporation in good standing. East Lynn has at all times relevant to this Complaint owned and operated an iron removal plant located north of Walnut Street and west of Main Street in the town of East Lynn, Vermillion County, Illinois.

5. East Lynn is a "public water supply" as that term is defined under Section 3.365 of the Act, 415 ILCS 5/3.365 (2004), 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".

6. Respondent's public water supply is a "PWS" or "public water system", and a "CWS" or "community water system", as those terms are defined under Section 611.101 of the Board's Public Water Supplies Regulations, 35 Ill. Adm Code 611.101, as follows:

"COMMUNITY WATER SYSTEM" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

* * *

"PUBLIC WATER SYSTEM" or "PWS" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

7. East Lynn obtains water from one community water supply water well 150 feet deep and supplies an average 11,000 gallons of water per day to a population of approximately 116.

8. On September 3, 2004, the Illinois EPA determined that East Lynn had failed to have a Class B or A certified operator in charge of its public water supply.

9. Section 18(a) of the Act, 415 ILCS 5/18 (2004), provides, in pertinent part:

(a) No person shall:

* * *

(2) Violate regulations or standards adopted by the Board under this Act. . .

10. Respondent is a "person" as that term is defined under Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), as follows:

"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.

11. Section 1 of the Public Water Supply Operations Act, 415 ILCS 45/1 (2004), provides in pertinent part:

(1) In order to safeguard the health and well being of he populace, every community water supply in Illinois shall have on its operational staff at least one natural person certified as competent as a water supply operator under the provisions of this Act.

12. Section 603.102 of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 603.102, provides as follows:

Responsible Personnel

Each public water supply shall have designated an individual in responsible charge of the operation of that supply properly qualified and registered pursuant to Public Water Supply Operations Act [415 ILCS 45], with all provisions of the Public Water Supply Operations Act complied with.

A. Find that the Respondent has violated Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2) (2004), Section 1 of the Water Supply Operations Act, 415 ILCS 45/1 (2004), and Sections 603.102, 603.103, 603.105(b) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 603.102, 603.103 and 603.105(b).

B. Permanently enjoin the Respondent from further violations of the Act and its Regulations;

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

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

Respectfully submitted,

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

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

BY: _____

THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

MICHAEL D. MANKOWSKI
500 South Second Street
Springfield, Illinois 62706
217/557-0586

Dated: 6/29/06