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NOV 16 2006

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

November 14, 2006

PCB07-37

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

Re: ***People v. Village of Dorchester***

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,

A handwritten signature in black ink, appearing to read "J. L. Homan", is written over the typed name.

J. L. Homan  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

KLK/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
 ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 VILLAGE OF DORCHESTER, )  
 an Illinois municipal corporation, )  
 )  
 Respondent. )

PCB No. 07-37  
(Enforcement)

NOTICE OF FILING

To: Village of Dorchester  
an Illinois municipal corporation  
c/o Charles Knoche, Village President  
Village Hall  
100 Jermain  
Dorchester, IL 62033

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.

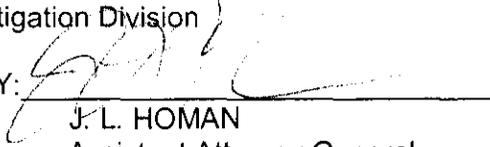
FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), to correct the pollution alleged in the Complaint filed in this case.

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: 

J. L. HOMAN  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 14, 2006

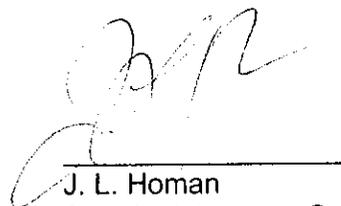
## CERTIFICATE OF SERVICE

I hereby certify that I did on November 14, 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, ENTRY OF APPEARANCE and COMPLAINT:

To: Village of Dorchester  
an Illinois municipal corporation  
c/o Charles Knoche, Village President  
Village Hall  
100 Jermain  
Dorchester, IL 62033

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

  
\_\_\_\_\_  
J. L. Homan  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
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 )  
 Complainant, )  
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 vs. )  
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 VILLAGE OF DORCHESTER, )  
 an Illinois municipal corporation, )  
 )  
 Respondent. )

PCB No. 07-37  
(Enforcement)

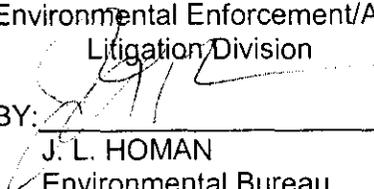
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, J. L. HOMAN, Assistant Attorney General of the State of Illinois, hereby enters her 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: 

J. L. HOMAN  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 14, 2006

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STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 -vs- )  
 )  
 VILLAGE OF DORCHESTER, )  
 an Illinois municipal corporation, )  
 )  
 Respondent. )

07-37  
 PCB No. 06  
 (Enforcement)

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondent, VILLAGE OF DORCHESTER, as follows:

**COUNT I**

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. The Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2004), after providing the Respondent with notice and opportunity for a meeting with the Illinois EPA.

4. Respondent, the VILLAGE OF DORCHESTER, is an Illinois municipal corporation in good standing and located in Macoupin County.

5. At all times relevant to this Complaint, the Village has operated a public water supply, which serves approximately 150 residents.

6. On May 7, 2004, the Illinois EPA conducted a site investigation of the Dorchester public water distribution system in the area of Rock Road, a road which runs perpendicular to Spanish Needle Road. The water main for the Dorchester system runs parallel to Spanish Needle Road and is four inches in diameter. A one and a half inch service line is connected to the Spanish Needle Road water main and provides water to two homes and a third home under construction in May 2004. The Village did not seek and obtain a permit from the Illinois EPA to extend this one and a half inch service line to the second and third homes. This unpermitted extension of the service line was constructed in October 2003.

7. On October 17, 2003, the Illinois EPA had issued Dorchester a permit to construct a four inch water main to serve the homes along Rock Road instead of the existing one and a half inch service line.

8. On May 7, 2004, the Rock Road water main had been partially installed, although a flushing hydrant had not been installed and the homes on Rock Road had not been connected to the new four inch water main.

9. As of the date of filing of this Complaint, the Village has not submitted the required sample results in order to obtain an operating permit for the Rock Road water main.

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

(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; or
- (3) Construct, install or operate any public water supply without a permit granted by the Agency, or in violation of any condition imposed by such a permit.

11. Section 601.105 of the Board's Public Water Supplies Regulations, 35 Ill. Adm.

Code 601.105, provides in pertinent part as follows:

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

\* \* \*

"Supply" means a public water supply.

\* \* \*

"Water Main" means any pipe for the purpose of distributing potable water which serves or is accessible to more than one property, dwelling, or rental unit, and is exterior to buildings.

12. Pursuant to Section 602.115 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 602.115, the Illinois EPA has adopted standards and criteria, published in the form of Technical Policy Statements, governing the design, operation and maintenance of public water supplies to insure safe, adequate and clean water.

13. Section 653.117(e) of the Illinois EPA's Technical Policy Statements, 35 Ill. Adm. Code 653.117(e), provides, in pertinent part, as follows:

- e) The system shall be designed to meet existing demands on the distribution system. Future distribution system demands shall be taken into account.

- 1) The minimum size water main shall be 4 inch nominal diameter in distribution systems serving incorporated areas, subdivisions or other closely situated housing or commercial units.

\* \* \*

14. By constructing and operating the one and a half inch service line for use as a water main, without compliance with Section 653.117 of the Illinois EPA's Technical Policy Statements, 35 Ill. Adm. Code 653.117, and so doing without permits from the Illinois EPA, the Village has violated Section 18(a) of the Act, 415 ILCS 5/18(a) (2004).

**PRAYER FOR RELIEF**

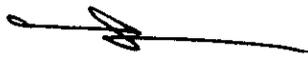
WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent, VILLAGE OF DORCHESTER:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. 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; and
- E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
J.L. HOMAN  
Assistant Attorney General  
Environmental Bureau/Springfield

500 South Second Street  
Springfield, Illinois 62706

Date: 11/17/06