



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

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CLERK'S OFFICE

MAR 19 2007

STATE OF ILLINOIS  
Pollution Control Board

**Lisa Madigan**  
ATTORNEY GENERAL

March 15, 2007

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 Nebo***  
**PCB No. 07-41**

Dear Clerk Gunn:

Enclosed for filing please find the original and one copy of a Notice of Filing, Motion for Relief from Hearing Requirement and Stipulation and Proposal for Settlement in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Jennifer Bonkowski  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JB/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

MAR 19 2007

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
VILLAGE OF NEBO, )  
an Illinois municipal corporation, )  
)  
Respondent. )

PCB No. 07-41  
(Enforcement - Water)

NOTICE OF FILING

To: Fred Prillaman, Esq.  
National City Bank, Suite 325  
One North Old Capital Plaza  
Springfield, IL 62701

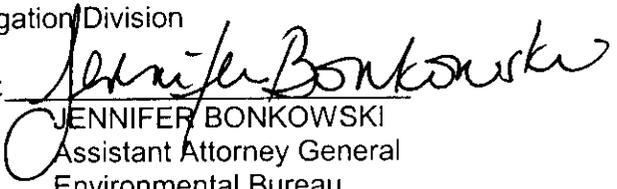
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

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:   
JENNIFER BONKOWSKI  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: March 15, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that I did on March 15, 2007, send by First Class 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, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:

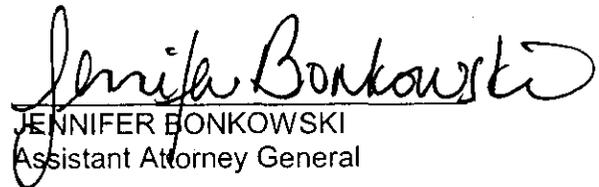
To: Fred Prillaman, Esq.  
National City Bank, Suite 325  
1 North Old State Capital Plaza  
Springfield, IL 62701

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

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

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

  
JENNIFER BONKOWSKI  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 19 2007

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
VILLAGE OF NEBO, )  
an Illinois municipal corporation, )  
)  
Respondent. )

PCB No. 07-41  
(Enforcement - Water)

**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) (2004), 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) (2004). In support of this motion, Complainant states as follows:

1. The parties have reached agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. 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) (2004).

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) (2004).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY:   
JENNIFER BONKOWSKI  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: March 15, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

PCB No. 07- 41  
(Enforcement - Water)

**RECEIVED**  
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MAR 19 2007  
STATE OF ILLINOIS  
Pollution Control Board

**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 VILLAGE OF NEBO, an Illinois municipal corporation, ("Respondent"), 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. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the claims asserted in the Complaint except as otherwise provided herein. If the Board approves and enters this Stipulation, Respondent agrees to be bound by the Stipulation and Board Order and not to contest their validity in any subsequent proceeding to implement or enforce their terms.

**I. JURISDICTION**

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq. (2004).

The undersigned representatives for each party 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.

### **III. STATEMENT OF FACTS**

#### **A. Parties**

1. A complaint is being filed simultaneously with this Stipulation 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(2004), 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 (2004).

3. Respondent, the Village of Nebo ("Village"), is an Illinois municipal corporation located in Pike County, Illinois, and the owner and operator of 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 serves at least 15 service connections or which regularly serves 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."

The public water supply is also a community water supply or a "CWS" as that term is defined under Section 3.145 of the Act, 415 ILCS 5/3.145 (2004).

#### **B. Site Description**

1. The Village's water supply serves approximately 435 residents from two drift

wells. The water is chlorinated, fed caustic soda and sulfur dioxide, filtered, chlorinated again, fed hydrofluosilicic acid, and discharged to the distribution system in a 75,000-gallon elevated ground level storage tank.

2. Pursuant to its approved written sample siting plan, the Village must collect three coliform samples per month and submit coliform results as documentation of the sampling.

3. Pursuant to an Illinois EPA review of its files in March of 2004, the agency discovered that the Village had not submitted coliform results in August 2003, or in the months of October 2003 through February 2004.

4. The Illinois EPA inspected the Village's water supply and treatment facility on February 26, 2004. The subsequent analysis of a sample from a tap revealed a chlorine residual of 0.03 mg/l, less than the minimum standards required by Section 653.604(a) of the Illinois EPA Technical Policy Statements.

5. The People allege, and the Village denies, that on February 26, 2004, Curt Hubbard, the Village water operator, prevented the Illinois EPA's access to the water plant.

6. The Village's operating permit No. 0994-FY1984, states that the flow through the water plant cannot exceed 70 gallons per minute.

7. On March 1, 2004, the Illinois EPA again inspected the facility. On that date, the water plant was being operated in excess of its rated capacity of 70 gallons per minute. The Village had not notified the Illinois EPA regarding the change from its operating permit.

8. On March 1, 2004, hydrofluosilicic acid and hydrochloric acid were stored in the sulfur dioxide feed room. There was a door between the chlorine and sulfur dioxide feed rooms. Doors to rooms containing sulfur dioxide are required to be open only to the outside.

### C. Allegations of Non-Compliance

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

- Count I: By failing to comply with Section 611.521(a) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.521(a), the Respondent thereby violated Section 18(a)(2) of the Act, 415 ILCS 18(a)(2) (2004).
- Count II: The Village failed to submit the required operating reports for the months of May 2002 through August 2004, and upon request from the Illinois EPA, thereby violating Sections 611.831 and 653.605 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.831 and 653.605, as well as Section 19 of the Act, 415 ILCS 5/19 (2004).
- Count III: By failing to maintain the minimum chlorine residual in all active parts of the water supply distribution system, the Village has violated Section 601.101 and 611.240(g) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 601.101 and 611.240(g). By violating the Board's Public Water Supply Regulations as to disinfection requirements, the Village has also violated Sections 18(a)(1) and (2) of the Act, 415 ILCS 5/18(a)(1) and (2) (2004).
- Count IV: By preventing the Illinois EPA's access to the water operating plant for the purposes of inspection to assure compliance with the Act and associated regulations, the Village of Nebo did not continuously operate and maintain the public water supply in a manner that assured safe and quality clean drinking water, thereby violating Section 601.101 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 601.101 and Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2) (2004).
- Count V: By allowing the water plant to exceed its permitted gallons per minute without submitting plans and specifications and obtaining written approval from the Illinois EPA, the Village violated a condition of its operating permit No. 0994-FY1984 and Section 15(a) of the Act, 415 ILCS 5/15(a) (2004), thereby violating Section 18(a)(3) of the Act, 415 ILCS 5/18(a)(3) (2004).
- Count VI: By storing gas feed equipment in the operating area, and

by having sulfur dioxide located in a room that opened to a room containing chlorine and was not open only to the outside, the Village has violated Sections 653.601 and 370.1021 of the Board's Regulations, 35 Ill. Adm. Code 653.601, and 370.1021, thereby violating Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2) (2004).

**D. Admission of Violations**

The Respondent admits to the violations alleged in Counts I, II, V, and VI of the Complaint filed in this matter and referenced within Section III.C herein.

The Respondent does not affirmatively admit the allegations of violation within Counts III and IV of the Complaint filed in this matter and referenced within Section III.C herein, and this Stipulation shall not be interpreted as including such admissions.

**E. Compliance Activities to Date**

Nebo has implemented the following actions and is currently in compliance with the Board Regulations and sections of the Act at issue in this matter.

- The door between the chlorine gas and sulfur dioxide rooms has been sealed, and the drinking water plant has returned to compliance.
- The water system is now performing the required monthly reporting and sample collection.
- The village has obtained a permit for the fluoride feed system.

**IV. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Complainant and the Respondent, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. 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.

## **V. COMPLIANCE WITH OTHER LAWS AND REGULATIONS**

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, 35 Ill. Adm. Code, Subtitles A through H.

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

Section 33(c) of the Act, 415 ILCS 5/33(c)(2004), 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 state the following:

1. Complainant contends that the injury to, or interference with, the protection of the health, general welfare, and physical property of the People would be characterized as drinking water violations, and the degree of injury would be dependent upon the degree of possible contact with water that was not adequately chlorinated and water lacking coliform sampling. The sampling, reporting, access, operating, and equipment location and chemical storage

violations also hinder the ability of the Illinois EPA to protect the health and welfare of the drinking water population;

2. The parties agree that Respondent's facility is of social and economic benefit;
3. Respondent's facility is suitably located in Nebo, Pike County, Illinois;
4. The parties agree that complying with the Act and regulations is technically practicable and economically reasonable; and
5. Respondent implemented measures subsequent to the alleged violations that are the subject of the Complaint in this matter in order to operate in compliance with the Act.

## **VII. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h)(2004), 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 l of this Section, the non-compliance to the

Agency; and

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.

In response to these factors, the parties state as follows:

1. The violations are of a serious nature, as the lack of coliform sampling prevents the public water supply from knowing whether bacteria, viruses, and other contaminants are present in the drinking water supply, and the lack of disinfection poses a health threat to consumers. Sampling violations occurred during August 2003 and October 2003 through February 2004; operating report violations occurred during May 2002 through August 2004; disinfection and access violations occurred on February 26, 2004; operating and equipment storage violations occurred from March 1, 2004, through a date better known to Respondent.

2. The Village has worked to achieve compliance subsequent to the Illinois EPA alerting them to compliance problems.

3. The Respondent did not accrue any economic benefit in this matter.

4. Complainant has determined that a monetary penalty of \$1,500.00 will serve to deter further violations and aid in future voluntary enforcement of the Act and applicable regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. The Respondent did not voluntarily self-disclose the non-compliance to the Illinois EPA; and

7. The settlement of this matter does not include an SEP.

## VIII. TERMS OF SETTLEMENT

### A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of One Thousand Five Hundred Dollars (\$1,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation. The Respondent stipulates that payment has been tendered to Respondent's attorney of record in this matter in a form acceptable to that attorney. Further, Respondent stipulates that said attorney has been directed to make the penalty payment on behalf of Respondent, within thirty (30) days from the date the Board adopts and accepts this Stipulation, in a manner prescribed below. The penalty described in this Stipulation shall be paid by certified check, money order or electronic funds transfer payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and submitted to:

Illinois Environmental Protection Agency  
Fiscal Services Section  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

The name and number of the case and Respondent's Federal Employer Identification Number (FEIN) shall appear on the check. A copy of the certified check, money order or record of electronic funds transfer and any transmittal letter shall be sent to:

Peggy Poitevint  
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62706

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2004), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003 (2004). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue to

accrue until the date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall be paid by certified check, money order or electronic funds transfer, payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and delivered to the address and in the manner described above.

3. For purposes of payment and collection, Respondent may be reached through its attorney at the following address:

Fred Prillaman, Esq.  
National City Bank, Suite 325  
1 North Old Capital Plaza  
Springfield, IL 62701

4. In the event of default of this Section VIII.A, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees.

**B. Future Use**

Notwithstanding any other language in this Stipulation to the contrary, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.D, below, the Respondent hereby agrees that 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 promulgated thereunder for all violations alleged in Counts I, II, V and VI of the Complaint filed in this matter, and as proof that the violations alleged in Counts III and IV of the Complaint filed in this matter were considered and acted upon by the parties, for purposes of Section 39(a) and (l) and/or 42(h) of the Act, 415 ILCS 5/39(a) and(l) and/or 5/42(h)(2004). Further, Respondent agrees to waive any rights to contest, in any subsequent enforcement action or permit proceeding, any allegations that the alleged violations in Counts I, II, V and VI

were adjudicated.

**C. Cease and Desist**

The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint as alleged in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

**D. Release from Liability**

In consideration of the Respondent's payment of the \$1,500.00 penalty and any specified costs and accrued interest, to Cease and Desist as contained in Section VIII.C and upon the Pollution Control Board's acceptance and approval of the terms of this Stipulation and Proposal for Settlement, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for 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 simultaneously 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 or the Illinois EPA 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.

**E. Right of Entry**

In addition to any other authority, the Illinois EPA, its employees and representatives, and the Attorney General, her agents 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 carrying out inspections. 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.

**F. Correspondence, Reports and Other Documents**

Any and all correspondence, reports and any other documents required under this Stipulation, except for payments pursuant to Section VIII.A ("Penalty Payment") of this Stipulation shall be submitted as follows:

As to the Complainant

Jennifer Bonkowski  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

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

As to the Respondent

Ronnie Wayne Goewey  
Nebo Village Hall  
P.O. Box 277  
Nebo, IL 62355

Fred Prillaman, Esq.  
National City Bank, Suite 325  
1 North Old Capital Plaza  
Springfield, IL 62701

**G. Modification of Stipulation**

The parties may, by mutual written consent, agree to extend 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 VIII.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 each party, and then accompany a joint motion to the Illinois Pollution Control Board seeking a modification of the prior order approving and accepting the Stipulation to approve and accept the Stipulation as amended.

**H. Enforcement of Board Order**

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois Pollution Control Board and may be enforced as such through any and all available means.

2. Respondent agrees that notice of any subsequent proceeding to enforce the Board Order approving and accepting this Stipulation and Proposal for Settlement may be made by mail and waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

4. It is the intent of the Complainant and Respondent that the provisions of this Stipulation and Proposal for Settlement and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to

be inconsistent with state or federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.

WHEREFORE, Complainant and Respondent 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,

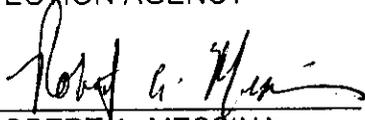
MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

Dated: 2/28/07

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

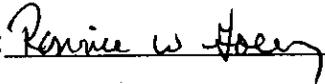
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

Dated: 3/9/07

BY:   
ROBERT A. MESSINA  
Chief Legal Counsel  
Division of Legal Counsel

VILLAGE OF NEBO,  
an Illinois municipal corporation

Dated: 2/20/07

BY:   
Renrice W. Hoey

