

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant)	AC 2017-
)	
v.)	(IEPA No. 112-17-AC)
)	
MURNER SWANSON,)	
)	
Respondent.)	

NOTICE OF FILING

To: Murner Swanson
509 East Park Avenue
Libertyville, IL 60048-2873

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an APPEARANCE, ADMINISTRATIVE CITATION, AFFIDAVIT and RECORDS REVIEW MEMORANDUM, a copy of which is herewith served upon you.

Respectfully submitted,



Michael S. Roubitchek
Assistant Counsel

DATED: August 9, 2017

Michael S. Roubitchek
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant)	AC 2017-
)	
v.)	(IEPA No. 112-17-AC)
)	
MURNER SWANSON,)	
)	
Respondent.)	

APPEARANCE

The undersigned, as one of its attorneys, hereby enters an APPEARANCE on behalf of Complainant, Illinois Environmental Protection Agency.

Respectfully submitted,



Michael S. Roubitchek
Assistant Counsel

DATED: August 9, 2017

Michael S. Roubitchek
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2017-
)	
v.)	(IEPA No. 112-17-AC)
)	
MURNER SWANSON,)	
)	
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency ("Illinois EPA") by Section 23.1 of the Public Water Supply Operations Act ("PWSO Act"), 415 ILCS 45/23.1 (2014).

FACTS

1. Pursuant to Section 1 of the PWSO Act, 415 ILCS 45/1, every public water supply in Illinois must employ on its operational staff at least one individual certified as a Responsible Operator in Charge ("ROINC"), and all portions of the public water supply system must be under the direct supervision of the ROINC.

2. Pursuant to Section 1.1(a) of the PWSO Act, 415 ILCS 45/1.1(a), the ROINC is jointly accountable with the owner of the public water supply for the proper operation of all portions of the public water supply.

3. Pursuant to Section 1.1(b)(3) of the PWSO Act, 415 ILCS 45/1.1(b)(3), the ROINC is

responsible for submitting consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results.

4. That Murner Swanson ("Respondent") is currently the ROINC for the following public water supplies:

- Lindentree Townhomes (IL0310370)
- Prairie Trails of Long Grove (IL0971200)
- The Preserve at Long Grove (IL0970310)
- Promontory Pointe Homeowners Association (IL0970320)
- Royal Melbourne Homeowners Association (IL0970170)

5. That said facilities in Paragraph #4 are public water supplies that are responsible for the continuous operation of their facilities in order to provide drinking water that is safe in quality, clean, adequate in quantity and satisfactory for domestic consumption.

6. That on August 3, 2017, Segundo Nallatan of the Illinois EPA's Bureau of Water/Division of Public Water Supplies conducted a records review of Lindentree Townhomes, Prairie Trails of Long Grove, The Preserve at Long Grove, Promontory Pointe Homeowners Association, and Royal Melbourne Homeowners Association. A copy of the Illinois EPA records review memorandum setting forth the results of said records review is attached hereto and made a part hereof.

7. That on August 9, 2017, Illinois EPA sent this Administrative Citation via United Parcel Service (signature requested) No. 1Z 621 589 42 6639.0346

VIOLATIONS

Based upon the records review conducted by Segundo Nallatan on August 3, 2017 of Lindentree Townhomes, Prairie Trails of Long Grove, The Preserve at Long Grove, Promontory Pointe Homeowners Association, and Royal Melbourne Homeowners Association, the Illinois EPA has determined that Respondent has violated the PWSO Act, and the Illinois Pollution Control Board's ("Illinois PCB") regulations as follows:

- (1) That Respondent failed to submit, in accordance with Illinois PCB rules, monthly operating reports for Lindentree Townhomes, within 30 days following the last day of the month, for the months listed below, in violation of Section 1.1(b)(3) of the PWSO Act, 415 ILCS 45/1.1(b)(3) (2014), and Sections 603.103(g) and 611.831 of Title 35 of the Illinois PCB's regulations, 35 Ill. Adm. Code 603.103(g) and 611.831:
 - Lindentree Townhomes: April 2017 (due May 30, 2017)
 - Lindentree Townhomes: May 2017 (due June 30, 2017)
 - Lindentree Townhomes: June 2017 (due July 30, 2017)

- (2) That Respondent failed to submit, in accordance with Illinois PCB rules, monthly operating reports for Prairie Trails of Long Grove, within 30 days following the last day of the month, for the months listed below, in violation of Section 1.1(b)(3) of the PWSO Act, 415 ILCS 45/1.1(b)(3) (2014), and Sections 603.103(g) and 611.831 of Title 35 of the Illinois PCB's regulations, 35 Ill. Adm. Code 603.103(g) and 611.831:
 - Prairie Trails of Long Grove: April 2017 (due May 30, 2017)

- Prairie Trails of Long Grove: May 2017 (due June 30, 2017)
 - Prairie Trails of Long Grove: June 2017 (due July 30, 2017)
- (3) That Respondent failed to submit, in accordance with Illinois PCB rules, monthly operating reports for the The Preserve at Long Grove, within 30 days following the last day of the month, for the months listed below, in violation of Section 1.1(b)(3) of the PWSO Act, 415 ILCS 45/1.1(b)(3) (2014), and Sections 603.103(g) and 611.831 of Title 35 of the Illinois PCB's regulations, 35 Ill. Adm. Code 603.103(g) and 611.831:
- The Preserve at Long Grove: April 2017 (due May 30, 2017)
 - The Preserve at Long Grove: May 2017 (due June 30, 2017)
 - The Preserve at Long Grove: June 2017 (due July 30, 2017)
- (4) That Respondent failed to submit, in accordance with Illinois PCB rules, monthly operating reports for the Promontory Pointe Homeowners Association, within 30 days following the last day of the month, for the months listed below, in violation of Section 1.1(b)(3) of the PWSO Act, 415 ILCS 45/1.1(b)(3) (2014), and Sections 603.103(g) and 611.831 of Title 35 of the Illinois PCB's regulations, 35 Ill. Adm. Code 603.103(g) and 611.831:
- Promontory Pointe Homeowners Association: April 2017 (due May 30, 2017)
 - Promontory Pointe Homeowners Association: May 2017 (due June 30, 2017)
 - Promontory Pointe Homeowners Association: June 2017 (due July 30, 2017)
- (5) Respondent failed to submit, in accordance with Illinois PCB rules, monthly operating reports for the Royal Melbourne Homeowners Association, within 30 days

following the last day of the month, for the months listed below, in violation of Section 1.1(b)(3) of the PWSO Act, 415 ILCS 45/1.1(b)(3) (2014), and Sections 603.103(g) and 611.831 of Title 35 of the Illinois PCB's regulations, 35 Ill. Adm. Code 603.103(g) and 611.831:

- Royal Melbourne Homeowners Association: April 2017 (due May 30, 2017)
- Royal Melbourne Homeowners Association: May 2017 (due June 30, 2017)
- Royal Melbourne Homeowners Association: June 2017 (due July 30, 2017)

CIVIL PENALTY

Pursuant to Section 23(f) of the PWSO Act, 415 ILCS 45/23(f) (2014), Respondent is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above (assessed at \$500 per public water supply), for a total of Two Thousand Five Hundred Dollars (\$2,500). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than October 8, 2017, unless otherwise provided by order of the Illinois Pollution Control Board.

Pursuant to Section 23(d) of the PWSO Act, 415 ILCS 45/23(d) (2014), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois

Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 23(d) of the PWSO Act, 415 ILCS 45/23(d) (2014), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the Five Hundred Dollar (\$500.00) statutory civil penalty for each of the violations.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 23(d) of the PWSO Act, 415 ILCS 45/23(d) (2014). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601 (or electronically at <http://www.ipcb.state.il.us>). A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 23(d) of the PWSO Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.



W. David McMillan, Division Manager
Illinois Environmental Protection Agency

Date: 8/9/17

Prepared by: Michael S. Roubitchek, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,) AC 2017-
)
v.) (IEPA No. 112-17-AC)
)
Murner Swanson,)
)
)
Respondent.)

FACILITY: Lindentree Townhomes (IL0310370)
Prairie Trails of Long Grove (IL0971200)
The Preserve at Long Grove (IL0970310)
Promontory Pointe Homeowners Association (IL0970320)
Royal Melbourne Homeowners Association (IL0970170)

CIVIL PENALTY: \$2,500.00

DATE OF RECORDS REVIEW: August 3, 2017

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

MEMORANDUM

Date: August 3, 2017

To: Dave McMillan

From: Segundo Nallatan, Elgin Regional Manager

A handwritten signature in black ink, appearing to read "Segundo Nallatan".

Subject: Records review for Murner Swanson

Violation Description: Murner Swanson, Responsible Operator in Charge (ROINC) for [Lindentree Townhomes (IL0310370), Prairie Trails of Long Grove (IL0971200), The Preserve at Long Grove (IL0970310), Promontory Pointe Homeowners Association (IL0970320), Royal Melbourne Homeowners Association (IL0970170)], ROINC since (Lindentree Townhomes: 12/4/2002, Prairie Trails of Long Grove: 12/8/2003, The Preserve at Long Grove: 1/1/2005, Promontory Pointe Homeowners Association: 12/21/1998, and Royal Melbourne Homeowners Association: 5/15/1991) has failed to submit required monthly operating reports for the following months:

1. Lindentree Townhomes (IL0310370): April 2017 (due May 30, 2017)
2. Lindentree Townhomes (IL0310370): May 2017 (due June 30, 2017)
3. Lindentree Townhomes (IL0310370): June 2017 (due July 30, 2017)
4. Prairie Trails of Long Grove (IL0971200): April 2017 (due May 30, 2017)
5. Prairie Trails of Long Grove (IL0971200): May 2017 (due June 30, 2017)
6. Prairie Trails of Long Grove (IL0971200): June 2017 (due July 30, 2017)
7. The Preserve at Long Grove (IL0970310): April 2017 (due May 30, 2017)
8. The Preserve at Long Grove (IL0970310): May 2017 (due June 30, 2017)
9. The Preserve at Long Grove (IL0970310): June 2017 (due July 30, 2017)
10. Promontory Pointe Homeowners Association (IL0970320): April 2017 (due May 30, 2017)
11. Promontory Pointe Homeowners Association (IL0970320): May 2017 (due June 30, 2017)
12. Promontory Pointe Homeowners Association (IL0970320): June 2017 (due July 30, 2017)
13. Royal Melbourne Homeowners Association (IL0970170): April 2017 (due May 30, 2017)

14. Royal Melbourne Homeowners Association (IL0970170): May 2017 (due June 30, 2017)
15. Royal Melbourne Homeowners Association (IL0970170): June 2017 (due July 30, 2017)

Violation Citations: Failure to submit monthly operating reports (on-going violation)
Public Water Supply Operations Act Section 415 ILCS 45/1.1(b)(3) and Sections 18 and 19 of the Illinois Environmental Protection Act 415 ILCS 5/18 and 19, 35 Ill. Adm. Code 603.103(g) and 611.831.

Violation Documentation: The above referenced violations were discovered pursuant to a records review conducted by Segundo Nallatan on August 3, 2017.

Operator Contact Information:

Murner Swanson
509 East Park Avenue
Libertyville, IL 60048-2873

3. Murner Swanson is currently the Responsible Operator in Charge ("ROINC") for the following public water supplies:

- Lindentree Townhomes (IL0310370)
- Prairie Trails of Long Grove (IL0971200)
- The Preserve at Long Grove (IL0970310)
- Promontory Pointe Homeowners Association (IL0970320)
- Royal Melbourne Homeowners Association (IL0970170)

4. Pursuant to Section 1.1(b)(3) of the PWSO Act, 415 ILCS 45/1.1(b)(3), the ROINC is responsible for submitting consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results.

5. Accordingly, as the ROINC, Murner Swanson is responsible for submittal of Monthly Operating Reports on behalf of Lindentree Townhomes, Prairie Trails of Long Grove, The Preserve at Long Grove, Promontory Pointe Homeowners Association, and Royal Melbourne Homeowners Association, among other duties.

6. On August 3, 2017, I conducted a records review of Illinois EPA files with respect to Lindentree Townhomes, Prairie Trails of Long Grove, The Preserve at Long Grove, Promontory Pointe Homeowners Association, and Royal Melbourne Homeowners Association. This records review indicates that, as of the date of this Affidavit, Murner Swanson has failed to submit Monthly Operating Reports on behalf of Lindentree Townhomes, Prairie Trails of Long Grove, The Preserve at Long Grove, Promontory Pointe Homeowners Association, and Royal Melbourne Homeowners Association for the following months:

- Lindentree Townhomes: April 2017 (due May 30, 2017)

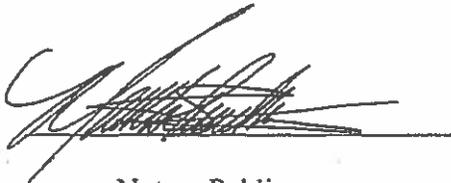
- Lindentree Townhomes: May 2017 (due June 30, 2017)
- Lindentree Townhomes: June 2017 (due July 30, 2017)
- Prairie Trails of Long Grove: April 2017 (due May 30, 2017)
- Prairie Trails of Long Grove: May 2017 (due June 30, 2017)
- Prairie Trails of Long Grove: June 2017 (due July 30, 2017)
- The Preserve at Long Grove: April 2017 (due May 30, 2017)
- The Preserve at Long Grove: May 2017 (due June 30, 2017)
- The Preserve at Long Grove: June 2017 (due July 30, 2017)
- Promontory Pointe Homeowners Association: April 2017 (due May 30, 2017)
- Promontory Pointe Homeowners Association: May 2017 (due June 30, 2017)
- Promontory Pointe Homeowners Association: June 2017 (due July 30, 2017)
- Royal Melbourne Homeowners Association: April 2017 (due May 30, 2017)
- Royal Melbourne Homeowners Association: May 2017 (due June 30, 2017)
- Royal Melbourne Homeowners Association: June 2017 (due July 30, 2017)



Segundo Nallatan

Signed and sworn to before me

this 9th day of August, 2017.



Notary Public



CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have initiated service on the date of August 9, 2017, the attached APPEARANCE, ADMINISTRATIVE CITATION, AFFIDAVIT and RECORDS REVIEW MEMORANDUM, upon the following person by causing to be mailed a true copy thereof in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail, via the United Parcel Service (signature requested), at Springfield, Illinois:

Murner Swanson
509 East Park Avenue
Libertyville, IL 60048-2873



Michael S. Roubitchek
Assistant Counsel

DATED: August 9, 2017

Michael S. Roubitchek
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above, or filed electronically at <http://www.ipcb.state.il.us>. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL**.

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).