

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant)	AC 2018-
)	
v.)	(IEPA No. 77-18-AC)
)	
KURT DOWNIE,)	
)	
Respondent.)	

NOTICE OF FILING

To: Kurt Downie
9154 North 600th Avenue
Hennepin, IL 61327

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: June 13, 2018

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 2018-
)	
v.)	(IEPA No. 77-18-AC)
)	
KURT DOWNIE,)	
)	
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: June 13, 2018

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

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-
)	
v.)	(IEPA No. 77-18-AC)
)	
KURT DOWNIE,)	
)	
)	
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 Kurt Downie (“Respondent”) is currently the ROINC for the following public water supplies:

- West Walnut Trailer Court (IL0995750)
- Village of Arlington (IL0110050)
- Village of Malden (IL0110550)

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 May 29, 2018, Laurie Moyer of the Illinois EPA’s Bureau of Water/Division of Public Water Supplies conducted a records review of West Walnut Trailer Court. 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 May 30, 2018, Joy Bliton of the Illinois EPA’s Bureau of Water/Division of Public Water Supplies conducted a records review of the Village of Arlington and the Village of Malden. 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.

8. That on June 13, 2018, Illinois EPA sent this Administrative Citation via certified mail through the United States Postal Service No. 7017 2680 0001 0214 6692.

VIOLATIONS

Based upon the records review conducted by Laurie Moyer and Joy Bliton on May 29, 2018, and May 30, 2018, respectively, of West Walnut Trailer Court, the Village of Arlington, and the Village of Malden, 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 West Walnut Trailer Court, 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:
 - West Walnut Trailer Court: February 2018 (due March 30, 2018)
 - West Walnut Trailer Court: March 2018 (due April 30, 2018)
 - West Walnut Trailer Court: April 2018 (due May 30, 2018)

- (2) That Respondent failed to submit, in accordance with Illinois PCB rules, monthly operating reports for the Village of Arlington, 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:
 - Village of Arlington: February 2018 (due March 30, 2018)
 - Village of Arlington: March 2018 (due April 30, 2018)

- Village of Arlington: April 2018 (due May 30, 2018)
- (3) That Respondent failed to submit, in accordance with Illinois PCB rules, monthly operating reports for the Village of Malden, 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:
- Village of Malden: February 2018 (due March 30, 2018)
 - Village of Malden: March 2018 (due April 30, 2018)
 - Village of Malden: April 2018 (due May 30, 2018)

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 One Thousand Five Hundred Dollars (\$1,500). If Respondent elects not to petition the Illinois Pollution Control Board for review, the statutory civil penalty specified above shall be due within thirty (30) days after issuance of a final order by 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: 6-13-'18

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 2018-
)	
v.)	(IEPA No. 77-18-AC)
)	
Kurt Downie,)	
)	
)	
Respondent.)	

FACILITY: West Walnut Trailer Court (IL0995750)
Village of Arlington (IL0110050)
Village of Malden (IL0110550)

CIVIL PENALTY: \$1,500.00

DATE OF RECORDS REVIEW: May 29, 2018 and May 30, 2018

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: May 29, 2018

To: Dave McMillan

From: Laurie Moyer *Laurie Moyer*

Subject: Records review for Kurt Downie

Violation Description: Kurt Downie, Responsible Operator in Charge (ROINC) for West Walnut Trailer Court (IL0995750) since October 20, 2017, has failed to submit required monthly operating reports for the following months:

1. West Walnut Trailer Court (IL0995750): February 2018 (due March 30, 2018)
2. West Walnut Trailer Court (IL0995750): March 2018 (due April 30, 2018)
3. West Walnut Trailer Court (IL0995750): April 2018 (due May 30, 2018)

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 Laurie Moyer on May 29, 2018.

Operator Contact Information:

Kurt Downie
9154 North 600th Avenue
Hennepin, IL 61327

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

- West Walnut Trailer Court (IL0995750)

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, Kurt Downie is responsible for submittal of Monthly Operating Reports on behalf of West Walnut Trailer Court, among other duties.

6. On May 29, 2018, I conducted a records review of Illinois EPA files with respect to West Walnut Trailer Court. This records review indicates that, as of the date of this Affidavit, Kurt Downie has failed to submit Monthly Operating Reports on behalf of West Walnut Trailer Court for the following months:

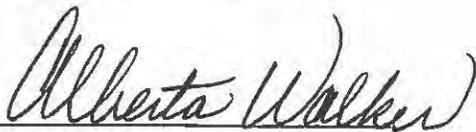
- West Walnut Trailer Court: February 2018 (due March 30, 2018)
- West Walnut Trailer Court: March 2018 (due April 30, 2018)
- West Walnut Trailer Court: April 2018 (due May 30, 2018)



Laurie Moyer

Signed and sworn to before me

this 11th day of June, 2018.



Notary Public





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: May 30, 2018

To: Dave McMillan

From: Joy Bliton, Engineer, Rockford Region

A handwritten signature in black ink, appearing to read "Joy Bliton".

Subject: Records review for Kurt Downie

Violation Description: Kurt Downie, Responsible Operator in Charge (ROINC) for Arlington (IL0110050) since March 1, 2017 and Malden (IL0110550) October 13, 2017, has failed to submit required monthly operating reports for the following months:

1. Arlington (IL0110050): February 2018 (due March 30, 2018)
2. Arlington (IL0110050): March 2018 (due April 30, 2018)
3. Arlington (IL0110050): April 2018 (due May 30, 2018)
4. Malden (IL0110550): February 2018 (due March 30, 2018)
5. Malden (IL0110550): March 2018 (due April 30, 2018)
6. Malden (IL0110550): April 2018 (due May 30, 2018)

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 Joy Bliton on May 30, 2018.

Operator Contact Information:

Kurt Downie
9154 North 600th Avenue
Hennepin, IL 61327

supplies submit consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, as well as reviewing all such reports.

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

- Village of Arlington (IL0110050)
- Village of Malden (IL0110550)

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, Kurt Downie is responsible for submittal of Monthly Operating Reports on behalf of the Village of Arlington and the Village of Malden, among other duties.

6. On May 30, 2018, I conducted a records review of Illinois EPA files with respect to the Village of Arlington and the Village of Malden. This records review indicates that, as of the date of this Affidavit, Kurt Downie has failed to submit Monthly Operating Reports on behalf of the Village of Arlington and the Village of Malden for the following months:

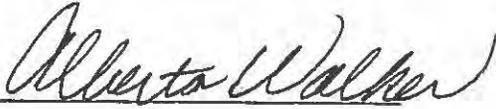
- Village of Arlington: February 2018 (due March 30, 2018)
- Village of Arlington: March 2018 (due April 30, 2018)
- Village of Arlington: April 2018 (due May 30, 2018)
- Village of Malden: February 2018 (due March 30, 2018)
- Village of Malden: March 2018 (due April 30, 2018)

- Village of Malden: April 2018 (due May 30, 2018)


Joy Bliton

Signed and sworn to before me

this 12th day of June, 2018.



Notary Public



CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have initiated service on the date of June 13, 2018, 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 certified mail, at Springfield, Illinois:

Kurt Downie
9154 North 600th Avenue
Hennepin, IL 61327



Michael S. Roubitchek
Assistant Counsel

DATED: June 13, 2018

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).