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CERTIFICATE OF SERVICE

I, Ellen F. O’Laughlin, an Assistant Attorney General, certify that on the 17th day of June, 2020, I served the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from the Hearing Requirement to persons listed on the Notice of Filing via email.

/s/ Ellen F. O’Laughlin

Ellen F. O’Laughlin
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney)
General of the State Illinois,)
)
Complainant,)
) PCB
v.) (Enforcement – Water)
)
THE CITY OF CHICAGO, an Illinois)
municipal corporation,)
)
Respondent.)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Respondent THE CITY OF CHICAGO, an Illinois municipal corporation, as follows:

COUNT I

LATE RENWAL OF NPDES PERMIT

1. This Count is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”) against Respondent, THE CITY OF CHICAGO, an Illinois municipal corporation, pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2018).

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 (2018), and charged, *inter alia*, with the duty of administering environmental permit programs and enforcement of the Act.

3. The City of Chicago (“Respondent” or “City”) is an Illinois municipal corporation duly organized and existing under the laws of the State of Illinois with a population of approximately 2.7 million people.

4. Respondent owns and operates two water treatment plants for the purpose of supplying its residents with purified drinking water from Lake Michigan. The Eugene Sawyer Water Purification Plant f/k/a the South Water Purification Plant (“Facility”), which is the subject of this action, provides drinking water to the City’s southern region in addition to its southern suburbs.

5. The Facility obtains raw water from Lake Michigan via an intake crib located approximately 2 miles offshore, which pumps the raw water to the Facility via an underground tunnel. In order to mitigate and/or prevent potential zebra mussel infestation in the tunnel system, the Facility designed a tunnel disinfection process incorporating the following steps: suspend water intake through the offshore crib and then pump chlorinated water from the Facility into the tunnel; after the chlorinated water remains in the tunnel for a sufficient period of time to disinfect it, normal pumping operations would resume at the offshore intake crib, which may result in the discharge of chlorinated water from the tunnel into Lake Michigan.

6. Section 402 of the federal Clean Water Act (“CWA”), 33 U.S.C. § 1342, establishes the National Pollutant Discharge Elimination System (“NPDES”) program to address water pollution by regulating point sources that discharge pollutants to waters.

7. Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or

so as to violate regulations or standards adopted by the
Pollution Control Board under this Act.

8. Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), provides as follows:

No person shall:

* * *

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

9. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides the following definition:

“Person” means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

10. Respondent, a municipal corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2018), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

12. Chlorinated backflow water discharged from the underground tunnel connecting the Facility to its offshore intake crib as a result of the disinfection process described herein is a “contaminant,” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2018).

13. Section 3.550 of the Act, 415 ILCS 5/3.550 (2018), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State.

14. Chlorinated backflow water discharged from the underground tunnel connecting the Facility to its offshore intake crib would discharge directly into Lake Michigan.

15. Lake Michigan constitutes “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2018).

16. In Illinois, the Illinois EPA is the delegated responsible agency for implementation of the NPDES program and federal regulations promulgated thereunder.

17. Section 401.11(d) of the Code of Federal Regulations (“C.F.R.”), 40 C.F.R. 401.11(d), provides as follows:

The term point source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

18. The underground tunnel connecting the Facility to its intake crib is a “point source” within the meaning of 40 C.F.R. 401.11(d).

19. Respondent is required to have an NPDES permit for discharges of chlorinated backflow water into waters of the State from the underground tunnel connecting the Facility to its offshore intake crib pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2018).

20. On March 29, 2012, Illinois EPA issued to Respondent NPDES Permit No. IL0002429 (“NPDES Permit”), allowing it to discharge chlorinated backflow water into Lake Michigan from the underground tunnel connecting the Facility to its offshore intake crib.

21. Respondent's NPDES Permit expired on March 31, 2017 and provided that, if Respondent wished to renew its NPDES Permit, a renewal application had to be submitted to Illinois EPA no later than 180 days prior to that expiration date.

22. As of March 31, 2017, the NPDES Permit's expiration date, Respondent had failed to submit a renewal application.

23. On July 13, 2018, Respondent eventually submitted its renewal application to Illinois EPA – 469 days after the NPDES Permit expired and 649 days after Respondent was required to have submitted the renewal application.

24. On December 13, 2018, Illinois EPA granted Respondent's renewal application and issued a renewed NPDES Permit to Respondent authorizing discharges of chlorinated backflow water into Lake Michigan from the underground tunnel connecting the Facility to its offshore intake crib. On January 1, 2019, the renewed NPDES Permit became effective, which expires on December 31, 2023.

25. Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), provides as follows:

- a) Any permittee who wishes to continue to discharge after the expiration date of the NPDES Permit must timely apply for reissuance of the permit.
 - 1) A permittee has submitted a timely application for a new permit when:
 - A) The permittee submits:
 - i) an application 180 days prior to the expiration date of the existing permit...

26. Standard Condition 2 of the NPDES Permit provides as follows:

Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

27. By submitting its application to renew its NPDES Permit 649 days after it was due (and 469 days after the expiration date of the existing permit) and by continuing to threaten to discharge chlorinated backflow water into Lake Michigan from the underground tunnel connecting the Facility to its offshore intake crib without a NPDES Permit from at least April 1, 2017 through the effective date of the renewed NPDES Permit on January 1, 2019, Respondent violated Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), and Standard Condition 2 of the NPDES Permit, and thereby also violated Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and 12(f) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board enter an Order against Respondent, CITY OF CHICAGO, on Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and 12(f) (2018), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a);

3. Ordering Respondent to cease and desist from any further violations of Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and 12(f) (2018), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Sections 12(a) of the Act, 415 ILCS 5/12(a) (2018), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), and an additional Ten Thousand Dollars (\$10,000) per day that each violation continued to occur;
5. Assessing against Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2018);
6. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
7. Granting such other relief as this court deems appropriate and just.

COUNT II

FAILURE TO SUBMIT DISCHARGE MONITORING REPORTS

1-24. Complainant realleges and incorporates herein paragraphs 1 through 24 of Count I as paragraphs 1 through 24 of this Count II.

25. The NPDES Permit and the renewed NPDES Permit require the Respondent to monitor effluent on a periodic basis for certain constituents, such as flow, pH and Total Residual Chlorine.

26. Special Condition 4 of the NPDES Permit provides, in pertinent part, as follows:

The permittee shall record monitoring results on Discharge Monitoring Report ('DMR') electronic forms using one such form for each outfall each month. In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following month . . .

27. On August 15, 2019, the Illinois EPA conducted a file review of the Facility's NPDES Permit and determined that the Respondent had not submitted DMRs since the July 2015 monitoring period.

28. Even though the Respondent never actually discharged disinfection control water, Special Condition 4 of the NPDES permit and the renewed NPDES Permit still require the Respondent to submit DMRs even if no discharge occurs in a given month.

29. Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), provides, in pertinent part, as follows:

Section 305.102 Reporting Requirements

* * *

b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

30. From at least July 2015 through the filing of this Complaint, the Respondent failed to submit DMR forms on a monthly basis, as required by the NPDES Permit and the renewed NPDES Permit, in violation of Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), thereby violating Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and (f) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board enter an Order against Respondent, CITY OF CHICAGO, on Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and 12(f) (2018), and Section 305.102 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102;

3. Ordering the Respondent to cease and desist from any further violations of Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and 12(f) (2018), and Section 305.102 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102;

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), and an additional Ten Thousand Dollars (\$10,000) per day that each violation continued to occur;

5. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2018);

6. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

7. Granting such other relief as this court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL, Attorney General
of the State of Illinois

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

BY: /s/ Elizabeth Wallace
ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel

Ellen F. O'Laughlin
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. _____
)	(Enforcement – Water)
THE CITY OF CHICAGO, an Illinois)	
Municipal corporation,)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, 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) (2018), moves that the Illinois Pollution Control Board (“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) (2018). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and 12(f) (2018), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309/104(a).
2. Complainant is filing the Complaint with the Board simultaneous with this Motion and a Stipulation and Proposal for Settlement.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.
5. 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) (2018).

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) (2018).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General
State of Illinois

BY: /s/ Ellen F. O'Laughlin
Ellen F. O'Laughlin
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609
Primary e-mail address: eolaughlin@atg.state.il.us
Secondary e-mail address: mcacaccio@atg.state.il.us

DATE: June 17, 2020

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. -
)	(Enforcement - Water)
THE CITY OF CHICAGO, an Illinois)	
municipal corporation,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and CITY OF CHICAGO (“Respondent”), (collectively “Parties to the Stipulation”), 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. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2018), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On June 17, 2020, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), 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 (2018).

3. At all times relevant to the Complaint, Respondent was and is an Illinois municipal corporation duly organized and existing under the laws of the State of Illinois with a population of approximately 2.7 million people.

4. At all times relevant to the Complaint, Respondent owned and operated a water treatment facility, Eugene Sawyer Water Purification Plant f/k/a South Water Purification Plan, located at 3300 E Cheltenham Pl, Chicago, Cook County, Illinois ("Facility" or "Site").

B. Allegations of Non-Compliance

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

Count I: Late Renewal of NPDES Permit, in violation of 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and 12(f) (2018), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a).

Count II: Failure to Submit Discharge Monitoring Reports in violation of Section 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) and (f) (2018).

C. Non-Admission of Violations

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

On July 26, 2018, Respondent applied for the renewal of its NPDES Permit No. IL0002429 and on December 13, 2018, Respondent was issued a renewed NPDES Permit No. IL0002429, thereby bringing the Respondent into compliance regarding Count I, Late Renewal of NPDES Permit. In April of 2020, Respondent submitted to the Illinois EPA the missing Discharge Monitoring Report (“DMR”) forms from January 2019-April 2020 that are required by its NPDES Permit.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. 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. 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 for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), 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 Complainant alleges the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations.
2. There is social and economic benefit to the facility.
3. Operation of the facility was and is suitable for the area in which it is located.
4. Renewing its NPDES permit, compliance with its terms and the timely submittal of DMR forms are all technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations in regard to the renewal of NPDES Permit No. IL0002429, and submittal of missing DMR forms from January 2019-April 2020.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), 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 i of this Section, the non-compliance to the Agency;
 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; and
 8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Complainant alleges as follows:

1. The Respondent failed to obtain coverage under the NPDES Permit for discharges of chlorinated backflow water from the underground tunnel connecting the Facility to its offshore intake crib. This violation was resolved by December 13, 2018, when the Respondent obtained the renewed NPDES Permit No. IL0002429. The Respondent failed to submit DMR forms on a monthly basis, as required by the NPDES Permit and the renewed NPDES Permit No. IL0002429. This violation was resolved in April of 2020, when the Respondent submitted to the Illinois EPA the late DMR forms required by its NPDES Permit. The Respondent states that it never utilized its NPDES Permit authority to discharge chlorinated backflow water into Lake Michigan.

2. Respondent was not diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, even after the Illinois EPA notified it

of its noncompliance.

3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of eight thousand one hundred dollars (\$8,100.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

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

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of eight thousand one hundred dollars, (\$8,100.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276

Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Ellen F. O'Laughlin
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

C. Future Compliance

1. Respondent shall comply with all terms of its NPDES Permit No. IL0002429.

Respondent shall timely submit DMR forms required by NPDES Permit No. IL0002429.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees 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 conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. 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.

4. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

D. Release from Liability

In consideration of the Respondent's payment of the \$8,100.00 penalty, its commitment to cease and desist as contained in Section V.C.4 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the 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 on June 17, 2020. 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 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. Enforcement of Stipulation

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

F. Opportunity For Public Comment

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation 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.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: Elizabeth Wallace
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: Charles W. Gunnarson
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 6/15/20

DATE: 6/12/2020

RESPONDENT:
THE CITY OF CHICAGO

By: _____
Fiona Burke
Chief Assistant Corporation Counsel
Aviation, Environmental, Regulatory and Contracts Division
City of Chicago Department of Law

DATE: _____

People v. City of Chicago, PCB No. _____

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: _____
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: _____
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: _____

DATE: _____

RESPONDENT:
THE CITY OF CHICAGO

By: /s/ Fiona A. Burke
Fiona A. Burke
Chief Assistant Corporation Counsel
Aviation, Environmental, Regulatory and Contracts Division
City of Chicago Department of Law

DATE: June 15, 2020

People v. City of Chicago, PCB No. ____