

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)
VILLAGE OF MINERAL, an Illinois)	
municipal corporation,)	
Respondent.)	

NOTICE OF FILING

To: Village of Mineral c/o
Daniel Tracy
Angel, Isaacson & Tracy
Trimble Building
111 Park Ave. East
Princeton, IL 61356
dtracy@ivnet.com

PLEASE TAKE NOTICE that on the 11th day of February 2021, I filed with the Clerk of the Illinois Pollution Control Board a Complaint, Motion to Request Relief from Hearing Requirement with Respondent, Village of Mineral, and Stipulation and Proposal for Settlement, copies of which are attached hereto and are hereby served upon you.

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

By: /s/ Arlene R. Haas
ARLENE R. HAAS
Assistant Attorney General
Environmental Bureau North
69 W. Washington Street, Suite 1800
Chicago, IL 60602
(312) 814-3153
Primary: ahaas@atg.state.il.us
Secondary: mcacaccio@atg.state.il.us

CERTIFICATE OF SERVICE

I, ARLENE R. HAAS, an Assistant Attorney General, do certify that I caused to be mailed this 11th day of February 2021, the foregoing Complaint, Motion for Request Relief from Hearing, Stipulation and Proposal for Settlement and Notice of Filing with Respondent, Village of Mineral, by electronic mail with receipt notification requested to the person listed on the Notice of Filing on February 11, 2021.

/s/ Arlene R. Haas _____
ARLENE R. HAAS
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, IL 60602
(312) 814-3153

BEFORE THE POLLUTION CONTROL BOARD

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by KWAME RAOUL, Attorney General)	
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Complainant,)	
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v.)	No.
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VILLAGE OF MINERAL, 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, VILLAGE OF MINERAL, an Illinois municipal corporation, as follows:

COUNT I

FAILURE TO SUBMIT OPTIMAL CORROSION CONTROL TREATMENT AND SOURCE WATER TREATMENT RECOMMENDATIONS

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 VILLAGE OF MINERAL (“Mineral” or “Respondent”), 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 agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2018), and charged, *inter alia*, with the duty of enforcing the Act.

3. Mineral was and is an Illinois municipal corporation, organized and operating under the laws of the State of Illinois, located in Bureau County, Illinois.

4. Mineral owns and operates a public water supply that serves approximately 300 residents (“Water Supply System”).

5. Mineral obtains its drinking water from two groundwater wells.

6. For the June 2018 through September 2018 monitoring period (“June – September 2018 Period”), Mineral’s public water system water sampling showed a 0.0158 milligrams per liter (“mg/L”) lead concentration at the 90th percentile of the five samples collected.

7. Mineral’s Water Supply System is subject to the Act and the regulations promulgated thereunder. The Illinois Pollution Control Board’s (“Board”) regulations for public water supplies are found in title 35, Subtitle F, Chapter I of the Illinois Administrative Code (“Board Public Water Supply Regulations”).

8. Section 18(a) of the Act, 415 ILCS 5/18(a) (2018), provides, in pertinent part, as follows:

No person shall:

- (1) Knowingly cause, threaten or allow the distribution of water from any public water supply of such quality or quantity as to be injurious to human health; or
- (2) Violate regulations or standards adopted by the Agency pursuant to Section 15(b) or this Act or by the Board under this Act; . . .

9. Sections 3.145, 3.315, and 3.365 of the Act, 415 ILCS 5/3.145, 5/3.315, and 5/3.365 (2018), respectively, provide the following definitions:

“Community Water Supply” means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents

“Person” is 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.

“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 serve at least 15 service connections or which regularly serve 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”.

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

11. Mineral’s water supply system, which serves approximately 300 residents, is a “public water supply” that is a “community water supply,” as those terms are defined in Sections 3.145 and 3.365 of the Act, 415 ILCS 5/3.145 and 5/3.365 (2018).¹

12. Mineral, as the owner or operator of a public water system, is required to conduct periodic sampling for lead in drinking water at the faucets of a fixed number of homes in Mineral pursuant to the Board’s Public Water Supply Regulations governing lead and copper, 35 Ill. Adm. Code Part 611, Subpart G (“Subpart G”).

13. Mineral was on a reduced monitoring scheduled pursuant to Section 611.356(d)(4)(C) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.356(d)(4)(C).

14. Section 611.356(d)(4)(D) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code Section 611.356(d)(4)(D), provides:

¹ Pursuant to Section 611.101 of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.101, “‘public water supply’ means the same as ‘public water system.’”

Sampling at a Reduced Frequency. A supplier that reduces the number and frequency of sampling must collect these samples from representative sites included in the pool of targeted sampling sites identified in subsection (a), preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently must conduct the lead and copper tap sampling during the months of June, July, August, or September, unless the Agency has approved a different sampling period in accordance with subsection (d)(4)(D)(i).

15. Given Mineral was on a reduced monitoring schedule, Mineral was required to collect samples during June, July, August, or September pursuant to Section 611.356(d)(4)(D) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code Section 611.356(d)(4)(D).

16. Section 611.356(c)(2) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code Section 611.356(c)(2), provides:

A supplier conducting reduced monitoring under subsection (d)(4) must collect one sample from the number of sites specified in the second column of Table D (labelled “reduced monitoring”) during each reduced monitoring period specified in subsection (d)(4) . . .

* * *		
Section 611. TABLE D Number of Lead and Copper Monitoring Sites		
System Size (Persons Served)	Number of Sites (Standard Monitoring)	Number of Sites (Reduced Monitoring)
* * *		
101 to 500	10	5

17. Pursuant Section 611.356(c)(2) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code Section 611.356(c)(2), Mineral was required to sample five sites while on a reduced monitoring schedule.

18. Section 611.350(b) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.350(b), provides the following definitions for the purposes of Subpart G:

“Action level” means that concentration of lead or copper in water computed under subsection (c) that determines, in some cases, the treatment requirements of this Subpart G that a supplier must complete. The action level for lead is 0.015 mg/l.

“Exceed”, as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier’s samples collected during a six-month monitoring period is greater than the action level for that contaminant.²

19. Pursuant to Section 611.350(c)(1) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.350(c)(1), the action level for lead in drinking water is exceeded if the 90th percentile lead level is more than 0.015 mg/L.

20. Mineral’s samples collected for the June - September 2018 Period exceeded the action level for lead pursuant to Section 611.350(c)(1) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code 611.350(c)(1), because the five samples taken during that period showed a 0.0158 mg/L lead concentration at the 90th percentile.

21. Section 611.352 of the Board’s Public Water Supply Regulations, 35 Ill. Adm. Code 611.352, provides as follows:

Each supplier must complete the corrosion control treatment requirements described below that are applicable to such supplier under Section 611.351.

- a) System Recommendation Regarding Corrosion Control Treatment
 - 1) Based on the results of lead and copper tap monitoring and water quality parameter monitoring, small- and medium-sized system suppliers exceeding the lead action level or the copper action level must recommend to the Agency installation of one or more of the corrosion control treatments listed in subsection (c)(1) that the supplier believes constitutes optimal corrosion control for its system.

² For a supplier on the reduced monitoring schedule requiring sampling June, July, August, or September pursuant to Section 611.356(d)(4)(D) of the Board Public Water Supply Regulations, 35 Ill. Adm. Code Section 611.356(d)(4)(D), the term “exceed” would apply to the samples taken during the June through September period.

22. Section 611.351 of the Board's Public Water Supply Regulations, 35 Ill. Adm.

Code 611.351, provides as follows:

- a) Corrosion Control Required. Suppliers must complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.

* * *

- 2) Medium-Sized and Small Systems. Each small system supplier (one regularly serving 3,300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 persons) must complete the corrosion control treatment steps specified in subsection (e), unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3).

* * *

- e) Treatment Steps and Deadlines for Small- and Medium-Sized System Suppliers. Except as provided in subsection (b), small- and medium-sized system suppliers must complete the following corrosion control treatment steps . . . by the indicated time periods.

- 1) Step 1: The supplier must conduct initial tap sampling . . . until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level must recommend optimal corrosion control treatment (Section 611.352(a)) within six months after the end of the monitoring period during which it exceeds one of the action levels.

23. Mineral is a "small system supplier" as that term is defined in Section 611.351(a)(2) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(a)(2).

24. Pursuant to Sections 611.351(e) and 611.352(a) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(e) and 611.352(a), Mineral was required as a small system supplier to submit an Optimal Corrosion Control Treatment ("OCCT") Recommendation to

Illinois EPA by March 30, 2019, six months from the June - September 2018 Period during which there was a lead action level exceedance.

25. Mineral failed to submit an OCCT Recommendation to Illinois EPA for the June - September 2018 Period by March 30, 2019, as required by 611.351(e) and 611.352(a) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(e) and 611.352(a).

26. Section 611.353(a)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.353(a)(1), provides as follows:

Step 1: A supplier exceeding the lead action level or the copper action level must complete lead and copper and source water monitoring (Section 611.358(b)) and make a treatment recommendation to the Agency (subsection (b)(1)) within 180 days after the end of the monitoring period during which the supplier exceeded the pertinent action level.

27. Section 611.353(b)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.353(b)(1), provides as follows:

System Treatment Recommendation. Any supplier that exceeds the lead action level or the copper action level must recommend in writing to the Agency the installation and operation of one of the source water treatments listed in subsection (b)(2).

28. Pursuant to Sections 611.353(a)(1) and (b)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code Sections 611.353(a)(1) and (b)(1), Mineral was required to submit a Source Water Treatment Recommendation to Illinois EPA by March 29, 2019, 180 days after the June - September 2018 Period during which there was an action level exceedance.

29. Mineral failed to submit a Source Water Treatment Recommendation to Illinois EPA for the June - September 2018 Period by March 29, 2019, as required by Sections 611.353(a)(1) and (b)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code Sections 611.353(a)(1) and (b)(1).

30. By failing to submit to the Illinois EPA An OCCT Recommendation and a Source

Water Treatment Recommendation to Illinois EPA for the June - September 2018 Period, Mineral violated Sections 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1), and thereby Section 18(a)(1)&(2) of the Act, 415 ILCS 5/18(a)(1)&(2)(2018).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board enter an order against Respondent VILLAGE OF MINERAL, with respect to Count I:

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

2. Finding that Respondent violated Section 18(a)(1)&(2) of the Act, 415 ILCS 5/18(a)(1)&(2)(2018), and Sections 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1);

3. Ordering Respondent to cease and desist from any further violations of Section 18(a)(1)&(2) of the Act, 415 ILCS 5/18(a)(1)&(2)(2018), and Sections 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board's Public Water Supply Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Assessing all costs against the Respondent, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018); and

6. Granting such other relief as the Board deems appropriate and just.

COUNT II

FAILURE TO COMPLY WITH PUBLIC NOTIFICATION REQUIREMENTS

1-30. Complainant realleges and incorporates by reference herein paragraphs 1 through 30 of Count I as paragraphs 1 through 30 of this Count II.

31. Section 611.350 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.350, provides as follows:

- k) Violation of National Primary Drinking Water Regulations. Failure to comply with the applicable requirements of this Subpart G, including conditions imposed by the Agency by SEP, will constitute a violation of the national primary drinking water regulations for lead or copper.

32. Mineral's failure to submit an OCCT Recommendation and a Source Water Treatment Recommendation to Illinois EPA for the June - September 2018 Period are violations of Subpart G, and thereby constitute violations of the National Primary Drinking Water Regulations ("NPDWR").

33. Section 611.901 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.901, provides as follows:

- a) Who Must Give Public Notice. Each owner or operator of a public water system (a CWS, an NTNCWS, or a transient non-CWS) must give notice for all violations of an NPDWR and for other situations, as listed in this subsection (a). The term "NPDWR violation" is used in this Subpart V to include violations of an MCL, an MRDL, a treatment technique, monitoring requirements, or a testing procedure set forth in this Part. Appendix G identifies the tier assignment for each specific violation or situation requiring a public notice.

- 1) NPDWR Violations

* * *

- B) A failure to comply with a prescribed treatment technique.

* * *

- b) The Type of Public Notice Required for Each Violation or Situation. The public notice requirements of this Subpart V are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subsection (a) are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G identifies the tier assignment for each specific violation or situation.

* * *

- 2) Tier 2 public notice: required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.

34. Section 611.903 of the Board's Public Water Supply Regulations, 35 Ill. Adm.

Code 611.903, provides as follows:

- b) When Tier 2 Public Notice Is to Be Provided
 - 1) A PWS supplier must provide the public notice as soon as practical, but no later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved.

35. Section 611.840 of the Board's Public Water Supply Regulations, 35 Ill. Adm.

Code 611.840, provides as follows:

- d) The supplier, within ten days after completing the public notification requirements under Subpart V for the initial public notice and any repeat notices, must submit to the Agency a certification that it has fully complied with the public notification regulations .

36. Pursuant to Sections 611.901 and 611.903 of Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.901 and 611.903, Mineral was required to provide public

notice for the June - September 2018 Period OCCT and Source Water Treatment Recommendation violations by no later than May 1, 2019.

37. Pursuant to Section 611.840 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.840, Mineral was required to submit to Illinois EPA a certification that it completed the public notice requirements for the June - September 2018 Period OCCT and Source Water Treatment Recommendation violations by May 11, 2019, within ten days after completing the public notification requirements.

38. Mineral failed to provide public notice for the June - September 2018 Period OCCT and Source Water Treatment Recommendation violations by May 1, 2019, and Mineral failed to submit to Illinois EPA a certification that it completed the public notice requirements by May 11, 2019.

39. By failing to timely provide public notice for the June - September 2018 Period OCCT and Source Water Treatment Recommendation violations and failing to timely submit to Illinois EPA a certification that it completed the public notice requirements, Mineral violated Sections 611.901, 611.903, and 611.840 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.901, 611.903 and 611.840, and thereby violated Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2)(2018).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board Enter an order against Respondent VILLAGE OF MINERAL, with respect to Count II:

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

2. Finding that Respondent violated Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2)(2018), and Sections 611.901, 611.903, and 611.840 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 653.901, 611.903 and 611.840;

3. Ordering Respondent to cease and desist from any further violations of violated Section 18(a)(2) of the Act, 415 ILCS 5/18(a)(2)(2018) and Sections 611.901, 611.903, and 611.840 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.901, 611.903 and 611.840;

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board's Public Water Supply Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

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5. Assessing all costs against the Respondent, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018); and

6. Granting such other relief as the Board 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/ Stephen J. Sylvester
STEPHEN J. SYLVESTER, Chief
Environmental Bureau Chicago

Of Counsel:
Arlene R. Haas
Assistant Attorney General
Environmental Bureau
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602
(312) 814-3153
Primary: ahaas@atg.state.il.us
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Complainant,)	
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v.)	PCB No. _____
)	(Enforcement – Water)
VILLAGE OF MINERAL, an Illinois)	
municipal corporation,)	
)	
Respondent.)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT
AND NOTICE OF ELECTRONIC SERVICE**

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 18(a)(1) & 18(a)(2) of the Act, 415 ILCS 5/18(a)(1) & 18(a)(2) (2018), and Sections 611.351(e), 611.352(a), 611.353(a)(1), 611.353(b)(1), 611.840 ,611.901, and 611.903 of the Board’s Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(e), 611.352(a), 611.353(a)(1), 611.353(b)(1), 611.840, 611.901, and 611.903.
2. Complainant is filing the Complaint with the Board simultaneous with this Motion and a Stipulation and Proposal for Settlement.
3. The Respondent agrees to accept service of the Complaint via electronic mail.

4. The parties have reached agreement on all outstanding issues in this matter.

5. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

6. 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 of the State of Illinois

BY: /s/ Arlene R. Haas
Arlene R. Haas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-3153
Primary: ahaas@atg.state.il.us
Secondary: mcacaccio@atg.state.il.us

DATE: February 11, 2021

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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PCB No.
(Enforcement - Water)

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 VILLAGE OF MINERAL, an Illinois municipal corporation (“Mineral” or “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 February 11, 2021, 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 at the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31(2018), against the Respondent (the "Complaint").

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 organized and operating under the laws of the State of Illinois, and Respondent is located in Bureau County, Illinois.

4. Respondent owns and operates a public water supply that serves approximately 300 residents and is a small system supplier.

5. Respondent's public water system water sampling showed a 0.0158 milligrams per liter lead concentration at the 90th percentile of the five samples collected for the June 2018 through September 2018 monitoring period.

6. When a lead action level exceedance occurs, Respondent, as a small system supplier, is required to: (1) submit an Optimal Corrosion Control Treatment ("OCCT") Recommendation to Illinois EPA within six months after the end of the monitoring period; (2) submit a Source Water Treatment Recommendation to Illinois EPA within 180 days after the end of the monitoring period; (3) provide public notice of a failure to comply with the National Primary Drinking Water Regulations no later than 30 days after the supplier learns of the violation; and (4) submit a certification to Illinois EPA within ten days after completing the public notice.

B. Allegations of Non-Compliance

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

Count I: Failure to Submit Optimal Corrosion Control Treatment and Source Water Treatment Recommendations in violation of Sections 18(a)(1) & (2) of the Illinois Environmental Protection Act, 415 ILCS 5/18(a)(1) & (2) (2018), Sections 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1) of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 611.351(e), 611.352(a), 611.353(a)(1), and 611.353(b)(1);

Count II: Failure to Comply with Public Notification Requirements in violation of Section 18(a)(2) of the Illinois Environmental Protection Act, 415 ILCS 5/18(a)(2)(2018), and Sections 611.901, 611.903, and 611.840 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 653.901, 611.903 and 611.840.

C. Non-Admission of Violations

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced in Section 1.B herein.

D. Compliance Activities to Date

1. On January 27, 2020, Respondent submitted to Illinois EPA the Lead Consumer Informational Notice Certifications Forms covering the January 2019 through June 2019 and July 2019 through December 2019 monitoring periods.

2. On January 10, 2020, Respondent submitted to Illinois EPA OCCT and Source Water Treatment Recommendations, approximately eight and nine months late, respectively.

3. On February 3, 2020, Respondent provided public notice of a failure to comply with the National Primary Drinking Water Regulations, and on February 4, 2020, Respondent submitted a certification of compliance with the public notice requirement to Illinois EPA, approximately eight months late.

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 Parties to the Stipulation state the following:

1. Complainant alleges that the Respondent's failure to submit OCCT and Source Water Treatment Recommendations and failure to comply with public notification requirements for violations of the National Primary Drinking Water Regulations threatened human health and the environment, failed to provide information to customers that they were entitled to, and hindered Illinois EPA's information gathering responsibilities.

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. The requirements to: a) submit an OCCT Recommendation, b) submit a Source Water Treatment Recommendation, c) provide public notice of a failure to comply with the National Primary Drinking Water Regulations, and d) submit a certification after completing the public notice when a lead action level exceedance occurs were technically practicable and economically reasonable.

5. Respondent has subsequently complied with the Act and the Board regulations.

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 Parties to the Stipulation state as follows:

1. Complainant alleges that the Respondent failed to submit OCCT and Source Water Treatment Recommendations to Illinois EPA after a lead action level exceedance for the June 2018 through September 2018 monitoring period. Respondent was required to submit an OCCT Recommendation by March 30, 2019, within six months of the June 2018 through September 2018 monitoring period. In addition, Respondent was required to submit the Source Water Treatment Recommendation by March 29, 2019, 180 days after the June 2018 through September 2018 monitoring period. Complainant also alleges that Respondent failed to provide public notice of a violation of the National Primary Drinking Water Regulations and failed to submit to Illinois EPA a certification that it completed the public notice requirements for the June through September 2018 monitoring period. Respondent's alleged violations threatened human health and the environment, failed to provide customers with information they were entitled to, and hindered Illinois EPA's information gathering responsibilities.

2. The Respondent was diligent in attempting to come back into compliance with the Act and the Board regulations, once Illinois EPA notified the Respondent of its noncompliance.

3. The Respondent gained de minimis economic benefit as a result of its failure to submit OCCT and Source Water Treatment Recommendations and failure to comply with public notification requirements for violations of the National Primary Drinking Water Regulations.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of one thousand and seventy-seven dollars (\$1,077.00) will serve to deter further violations and aid in future voluntary compliance with the Act and the Board regulations.

5. To Complainant's knowledge, the 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**

The Respondent shall pay a civil penalty in the sum of one thousand and seventy-seven dollars (\$1,077.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. **Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the

remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. 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:

Arlene R. Haas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. Respondent shall comply with all the applicable Board regulations for lead action level exceedances found in Title 35, Subtitle F, Chapter I of the Illinois Administrative Code.

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.

E. Release from Liability

In consideration of the Respondent's payment of the one thousand and seventy-seven dollars (\$1,077.00) penalty, its commitment to cease and desist as contained in Section V.D.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, the 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 February 11, 2021. 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.

F. Enforcement of Stipulation

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.

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. This Stipulation may be executed by the parties in one

or more counterparts, all of which taken together shall constitute one and the same instrument.

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: Stephen J. Sylvester
STEPHEN J. SYLVESTER, Chief
Assistant Attorney General
Environmental Bureau

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

DATE: 2/9/21

DATE: 02/03/21

VILLAGE OF MINERAL

BY: Wm. W. ...

ITS: president

DATE: 1-3-2021