

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	No.
	)	
GREEN MEADOWS ESTATES OF	)	
ROCKFORD, LLC, an Illinois	)	
limited liability company, and	)	
GREEN MEADOWS ESTATES MHC, LLC,	)	
a Delaware limited liability company,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

To: Persons on Attached Service List  
(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, true and correct copies of which are attached hereto and hereby served upon you.

KWAME RAOUL  
Attorney General  
State of Illinois

/s/ Kevin Garstka  
Kevin Garstka, AAG

Dated: May 3, 2023

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served on the 3rd day of May, 2023, the attached Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement upon the persons listed on the foregoing Service List via email.

/s/ Kevin Garstka

Kevin Garstka

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

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GREEN MEADOWS ESTATES OF )  
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limited liability company, and )  
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a Delaware limited liability company, )  
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Respondents. )

**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 the Respondents, GREEN MEADOWS ESTATES OF ROCKFORD, LLC, an Illinois limited liability company (“Old Green Meadows”), and GREEN MEADOWS ESTATES MHC, LLC, a Delaware limited liability company (“New Green Meadows”) (collectively “Respondents”), as follows:

**COUNT I**  
**FAILURE TO TIMELY IMPLEMENT TRICHLOROETHYLENE RESPONSE**  
**PLAN**

1. This Complaint 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 Respondents, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2020).

2. The Illinois EPA is an administrative agency of the State of Illinois, created by Section 4 of the Act, 415 ILCS 5/4 (2020), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Old Green Meadows has been and is an Illinois limited liability company qualified to transact business in the State of Illinois.

4. At all times relevant to this Complaint, New Green Meadows has been and is a Delaware limited liability company qualified to transact business in the State of Illinois.

5. From at least December 29, 2017 through November 3, 2020, Old Green Meadows owned and operated a mobile home park (“Green Meadows Estates”) located in Rockford, Winnebago County, Illinois.

6. As of the date of filing of this Complaint, Green Meadows Estates is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

7. On November 4, 2020, Green Meadows Estates was sold by Old Green Meadows and purchased by New Green Meadows.

8. From November 4, 2020 through the date of filing of this Complaint, New Green Meadows has owned and operated Green Meadows Estates.

9. Green Meadows Estates has a population of approximately 970.

10. From at least December 29, 2017 through November 3, 2020, Old Green Meadows owned and operated a community water supply that served Green Meadows Estates’ residents.

11. From November 4, 2020 through the date of filing of this Complaint, New Green Meadows has owned and operated a community water supply that serves Green Meadows Estates’ residents.

12. Respondents' community water supply has 377 direct service connections supplied by three groundwater wells ("Green Meadow Estates CWS").
13. Sections 3.145, 3.315, and 3.365 of the Act, 415 ILCS 5/3.145, 3.315, and 3.365 (2020), respectively, provide the following definitions:
  - § 3.145. Community water supply. "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.
  - § 3.315. Person. "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.
  - § 3.365. Public water supply. "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".
14. Old Green Meadows, a limited liability company, is a "person," as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).
15. New Green Meadows, a limited liability company, is a "person," as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).
16. Green Meadow Estates CWS is a "community water supply" and a "public 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 (2020).
17. All community water supplies in Illinois must achieve and maintain compliance with the maximum contaminant level ("MCL") requirements found at 35 Ill. Adm. Code

611.311. As part of these requirements, Respondents are required to sample and monitor trichloroethylene (“TCE”) levels in its public water supply.

18. TCE is a volatile organic compound (“VOC”) that is carcinogenic to humans.

19. Section 611.311(a) of the Illinois Pollution Control Board (“Board”) Public Water Supplies Regulations, 35 Ill. Adm. Code 611.311(a), provides, in pertinent part, as follows:

Revised MCLs for Organic Chemical Contaminants

a) Volatile Organic Chemical Contaminants. The following MCLs for volatile organic chemical contaminants (VOCs) apply to CWS suppliers and NTNCWS suppliers.

<u>CAS No.</u>	<u>Contaminant</u>	<u>MCL (mg/l)</u>
79-01-6	Trichloroethylene	0.005

20. The MCL for TCE applicable to the Green Meadow Estates CWS is 0.005 milligrams per liter (“mg/L”).

21. On December 29, 2017, a compliance sample reported to Illinois EPA by Old Green Meadows yielded 0.0022 mg/L of TCE.

22. On February 12, 2018, a compliance sample reported by Old Green Meadows yielded 0.0029 mg/L of TCE.

23. On March 26, 2018, Illinois EPA obtained a third sample, which yielded 0.00242 mg/L of TCE.

24. The average of the three samples referenced in paragraphs 20 through 22 is greater than 0.0025 mg/L of TCE.

25. Section 25d-1 of the Act, 415 ILCS 5/25d-1 (2020), provides, in pertinent part, as follows:

Definitions. For the purposes of this Title, the terms “community water system”, “non-community water system”, “potable”, “private water system”, and “semi-private water system” have the meanings ascribed to them in the Illinois Groundwater Protection Act.

26. Sections 9(a)(1) and 9(a)(6) of the Groundwater Protection Act, 415 ILCS

55/9(a)(1) and 55/9(a)(6) (2020), respectively, provide the following definitions:

“Community water system” means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.

“Public water system” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system (CWS) or a non-community water system (non-CWS). The term “public water system” includes any collection, treatment, storage or distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

27. Respondents’ community water supply is a “community water system” and a “public water system” as those terms are defined in Sections 9(a)(1) and 9(a)(6) of the Groundwater Protection Act, 415 ILCS 55/9(a)(1) and 55/9(a)(6) (2020).

28. Section 25d-3 of the Act, 415 ILCS 5/25d-3 (2020), provides, in pertinent part, as follows:

§ 25d-3. Notices.

(a) Beginning January 1, 2006, if the Agency determines that:

...

(2) Groundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards adopted by the Board under this Act and the Groundwater Protection Act, the Agency shall give notice of the threat to the following:

...

(B) for any community water system,

(i) The owners and operators of the system; and



- (ii) The residents and owners of premises connected to the affected community water system; and
- (iii) The residents and owners of premises connected to water systems receiving water from the affected community water system.

29. Section 620.410(b) of the Board Public Water Supplies Regulations, 35 Ill. Adm.

Code 620.410(b), provides, in pertinent part, as follows:

Groundwater Quality Standards for Class I: Potable Resource Groundwater

...

b) Organic Chemical Constituents

Except due to natural causes or as provided in Section 620.450 of subsection (d), concentrations of the following organic chemical constituents shall not be exceeded in Class I groundwater:

<u>Constituent</u>	<u>Standard (mg/L)</u>
Trichloroethylene	0.005

30. On April 13, 2018, Illinois EPA determined that, based on the samples referenced in paragraphs 20 through 22, the TCE contamination detected at Respondents' community water supply posed a threat of exposure to the public above the Class I groundwater quality standard of 0.005 mg/L. On that date, Illinois EPA issued a notification to Old Green Meadows under Section 25d-3(a)(2)(B) of the Act, 415 ILCS 5/25d-3(a)(2)(B) (2020). Illinois EPA also issued a press release informing the public of the presence of TCE in the drinking water.

31. Section 17.10(c) of the Act, 415 ILCS 5/17.10(c) (2020), provides, in pertinent part, as follows:

(c) If a carcinogenic volatile organic compound is detected in the finished water of a community water system at a concentration that equals or exceeds 50 percent of the carcinogenic volatile organic compound's maximum contaminant level and the Agency issues a notice under subdivision (a)(2)(B) of Section 25d-3 of this Act based on the presence of the carcinogenic volatile organic compound, the owner or operator of the community water system shall, within 45 days after the date the Agency issues the notice under subdivision (a)(2)(B) of Section 25d-3 of this Act, submit to the Agency a response

plan designed to (i) prevent an exceedance of the maximum contaminant level in the finished water and (ii) reduce the concentration of the carcinogenic volatile organic compound so that it does not exceed the applicable method detection limit in the finished water. The response plan shall also include periodic sampling designed to measure and verify the effectiveness of the response plan.

- (1) Upon Agency approval of the plan, with or without modifications, the owner or operator of the community water system shall implement the plan. In approving, modifying, or denying a plan required under this Section, the Agency shall take into account the technical feasibility and economic reasonableness of the plan and any modification to the plan. The owner or operator shall submit status reports on the plan's implementation in accordance with a schedule approved by the Agency. Upon completion of the plan the owner or operator shall submit to the Agency for review and approval a response completion report.
- (2) Any action by the Agency to disapprove or modify a plan or report required under this Section shall be subject to appeal to the Board in accordance with the procedures of Section 40 of this Act.

32. On May 25, 2018, Old Green Meadows submitted a proposed response plan for approval by Illinois EPA, as required by Section 17.10(c) of the Act, 415 ILCS 5/17.10(c) (2020).

33. On August 31, 2018, Illinois EPA approved Old Green Meadows' response plan ("Plan").

34. The Plan requires Old Green Meadows to build an activated carbon treatment vessel in a new treatment building to treat the water from two of the groundwater wells, and then blend that water with water from the third groundwater well.

35. The Plan set a date of April 1, 2019 for Old Green Meadows to submit an application for a construction permit to Illinois EPA for the construction required under the Plan.

36. On April 16, 2019, Illinois EPA granted Old Green Meadows' request for a two-week extension to complete the application for a construction permit.

37. On May 10, 2019, Old Green Meadows submitted its application for a construction permit.
38. On July 15, 2019, Old Green Meadows amended its application for a construction permit to address deficiencies identified by Illinois EPA.
39. On August 2, 2019, Old Green Meadows once again amended its application for a construction permit to address deficiencies identified by Illinois EPA.
40. On September 13, 2019, Old Green Meadows once again amended its application for a construction permit to address deficiencies identified by Illinois EPA.
41. On December 18, 2019, Old Green Meadows once again amended its application for a construction permit to address deficiencies identified by Illinois EPA.
42. On January 14, 2020, Illinois EPA issued Construction Permit Number 1211-FY2019 to Old Green Meadows.
43. Under the compliance schedule contained in the Plan, construction was to begin by August 1, 2019, and was to be completed by March 1, 2020.
44. As of the date of filing of this Complaint, Old Green Meadows did not undertake the construction required under the Plan.
45. As of the date of filing of this Complaint, New Green Meadows has not begun the construction required under the Plan.
46. Section 17.10(d)(2) of the Act, 415 ILCS 5/17.10(d)(2) (2020), provides as follows:
  - (2) No person required to implement a response plan under subdivision (c)(1) of this Section shall fail to implement the plan in accordance with the requirements of subdivision (c)(1).

47. By failing to implement the Plan and to reduce the concentration of TCE in its water supply from at least December 29, 2017 through November 3, 2020, Old Green Meadows violated Section 17.10(d)(2) of the Act, 415 ILCS 5/17.10(d)(2) (2020).

48. On October 20, 2022, New Green Meadows connected to the City of Rockford's municipal water supply, thereby abandoning its community water supply.

49. By failing to implement the Plan and to reduce the concentration of TCE in its water supply from November 4, 2020 through October 19, 2022, New Green Meadows violated Section 17.10(d)(2) of the Act, 415 ILCS 5/17.10(d)(2) (2020).

50. Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a), provides, in pertinent part, as follows:

- a) Owners and official custodians of a public water supply in the State of Illinois must provide, under the Act, Board Rules, and the Safe Drinking Water Act (42 USC 300f et seq.), continuous operation and maintenance of public water supply facilities to assure that the water is safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

51. By failing to implement the Plan and to reduce the concentration of TCE in its water supply from at least December 29, 2017 through November 3, 2020, Old Green Meadows violated Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a).

52. By failing to implement the Plan and to reduce the concentration of TCE in its water supply from November 4, 2020 through October 19, 2022, New Green Meadows violated Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondents, GREEN MEADOWS ESTATES OF ROCKFORD, LLC and GREEN MEADOWS ESTATES MHC, LLC, with respect to Count I:

1. Authorizing a hearing in this matter at which time Old Green Meadows and New Green Meadows will be required to answer the allegations herein;

2. Finding that Old Green Meadows and New Green Meadows have each violated Section 17.10(d)(2) of the Act, 415 ILCS 5/17.10(d)(2) (2020), and Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a);

3. Ordering Old Green Meadows and New Green Meadows to each cease and desist from any future violations of Section 17.10(d)(2) of the Act, 415 ILCS 5/17.10(d)(2) (2020), and Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a);

4. Assessing against Old Green Meadows and New Green Meadows each a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against each Old Green Meadows and New Green Meadows; and

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

**COUNT II**  
**VIOLATION OF PUBLIC WATER SUPPLY MAXIMUM CONTAMINANT**  
**LEVEL (“MCL”) FOR COMBINED RADIUM**

1-28. Complainant re-alleges and incorporates herein paragraphs 1 through 27 and 50 of Count I as paragraphs 1 through 28 of this Count II.

29. All community water supplies must achieve and maintain compliance with the maximum contaminant level (“MCL”) requirements found at 35 Ill. Adm. Code 611.330(b). As part of these requirements, Respondents are required to sample and monitor combined radium levels in its public water supply.

30. Section 611.330(b) of Board Public Water Supplies regulations, 35 Ill. Adm. Code 611.330(b), provides, in pertinent part, as follows:

Maximum Contaminant Levels for Radionuclides

(b) MCL for Combined Radium-226 and -228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/l. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

31. The MCL for combined radium applicable to Respondents is 5 picocuries per liter of air (“pCi/l”).

32. Respondents analyze water samples for combined radium in the Green Meadow Estates CWS on a quarterly basis. Respondents have one sampling point: TP01.

33. Respondents’ compliance with the combined radium MCL is determined by a running annual average at the sample point.

34. Compliance is determined by averaging the current quarterly sample with the three (3) previous quarterly samples. Respondents would be out of compliance if the annual average at sampling point TP01 is greater than the MCL or if any one quarterly sample would cause the annual average to be exceeded.

35. On April 15, 2020, Old Green Meadows submitted to Illinois EPA a sample result of 5.28 pCi/l of combined radium at sampling point TP01 for the first quarter 2020 sampling period of January 1, 2020 through March 31, 2020.

36. On April 19, 2020, Old Green Meadows submitted to Illinois EPA a sample result of 7.07 pCi/l of combined radium at sampling point TP01 for the second quarter 2020 sampling period of April 1, 2020 through June 30, 2020.

37. On August 26, 2020, Old Green Meadows submitted to Illinois EPA a sample result of 7.73 pCi/l of combined radium at sampling point TP01 for the third quarter 2020 sampling period of July 1, 2020 through September 30, 2020.

38. On October 29, 2020, Old Green Meadows submitted to Illinois EPA a sample result of 4.46 pCi/l of combined radium at sampling point TP01 for the fourth quarter 2020 sampling period of October 1, 2020 through December 31, 2020.

39. Respondents' running annual average at the end of the fourth quarter of 2020 was 6 pCi/l, which is higher than the 5 pCi/l maximum contaminant level for combined radium.

40. On January 22, 2021, New Green Meadows submitted to Illinois EPA a sample result of 6.19 pCi/l of combined radium at sampling point TP01 for the first quarter 2021 sampling period of January 1, 2021 through March 31, 2021.

41. New Green Meadows' running annual average at the end of the first quarter of 2021 was 6 pCi/l, which is higher than the 5 pCi/l maximum contaminant level for combined radium.

42. On May 27, 2021, New Green Meadows submitted to Illinois EPA a sample result of 8.66 pCi/l of combined radium at sampling point TP01 for the second quarter 2021 sampling period of April 1, 2021 through June 31, 2021.

43. New Green Meadows' running annual average at the end of the second quarter of 2021 was 7 pCi/l, which is higher than the 5 pCi/l maximum contaminant level for combined radium.

44. On August 24, 2021, New Green Meadows submitted to Illinois EPA a sample result of 11.32 pCi/l of combined radium at sampling point TP01 for the third quarter 2021 sampling period of July 1, 2021 through September 30, 2021.

45. New Green Meadows' running annual average at the end of the third quarter of 2021 was 8 pCi/l, which is higher than the 5 pCi/l maximum contaminant levels for combined radium.

46. Section 18(a) of the Act, 415 ILCS 5/18(a) (2020), provides, in pertinent part, as follows:

Prohibitions

(a) 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) of this Act or by the Board under this Act; or

\* \* \*

47. From April 15, 2020 to November 3, 2020, Old Green Meadows failed to meet the running annual average MCL for combined radium at sample point TP01 of its public water supply, thereby violating 611.330(b) of the Board Public Water Supplies regulations, 35 Ill. Adm. Code 611.330(b).

48. From November 4, 2020 to October 19, 2022, New Green Meadows failed to meet the running annual average MCL for combined radium at sample point TP01 of its public water supply, thereby violating 611.330(b) of the Board Public Water Supplies regulations, 35 Ill. Adm. Code 611.330(b).



49. By failing to meet the MCL for combined radium in its water supply from April 15, 2020 to November 3, 2020, Old Green Meadows violated Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a).

50. By failing to meet the MCL for combined radium in its water supply from November 4, 2020 to October 19, 2022, New Green Meadows violated Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a).

51. By failing to meet the annual average MCL for combined radium at sample point TP01 of its public water supply from April 15, 2020 to November 3, 2020, as required by Sections 601.101(a) and 611.330(b) of the Board Public Water Supplies regulations, 35 Ill. Adm. Code 601.101(a) and 611.330(b), Old Green Meadows has knowingly caused, threatened, or allowed the distribution of water from its public water supply of such quality or quantity as to be injurious to human health, and thereby has violated Section 18(a)(1) of the Act, 415 ILCS 5/18(a)(1) (2020) and 18(a)(2) of the Act, 415 ILCS 5/18(a)(2) (2020).

52. By failing to meet the annual average MCL for combined radium at sample point TP01 of its public water supply from November 4, 2020 to October 19, 2022, as required by Sections 601.101(a) and 611.330(b) of the Board Public Water Supplies regulations, 35 Ill. Adm. Code 601.101(a) and 611.330(b), New Green Meadows has knowingly caused, threatened, or allowed the distribution of water from its public water supply of such quality or quantity as to be injurious to human health, and thereby has violated Section 18(a)(1) of the Act, 415 ILCS 5/18(a)(1) (2020) and 18(a)(2) of the Act, 415 ILCS 5/18(a)(2) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests and the Board enter an Order against Respondents, GREEN MEADOWS ESTATES OF ROCKFORD, LLC and GREEN MEADOWS ESTATES MHC, LLC, with respect to Count II:

1. Authorizing a hearing in this matter at which time Old Green Meadows and New Green Meadows will be required to answer the allegations herein;

2. Finding that Old Green Meadows and New Green Meadows each violated Sections 18(a)(1)-(2) of the Act, 415 ILCS 5/18(a)(1)-(2) (2020), and Sections 601.101 and 611.330(b) of the Board Public Water Supplies regulations, 35 Ill. Adm. Code 601.101 and 611.330(b);

3. Ordering Old Green Meadows and New Green Meadows to each cease and desist from any future violations of Sections 18(a)(1)-(2) of the Act, 415 ILCS 5/18(a)(1)-(2) (2020), and Sections 601.101 and 611.330(b) of the Board Public Water Supplies regulations, 35 Ill. Adm. Code 601.101 and 611.330(b);

4. Assessing against Old Green Meadows and New Green Meadows each a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and an additional Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against each Old Green Meadows and New Green Meadows; and

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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  
Assistant Attorney General

*Of Counsel*

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a Delaware limited liability company,	)	
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Respondents.	)	

**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) (2020), 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) (2020). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 17.10(d)(2) and 18(a)(1)-(2) of the Act, 415 ILCS 5/17.10(d)(2) and 18(a)(1)-(2) (2020), and Sections 601.101(a), 601.101, and 611.330(b) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a), 601.101, and 611.330(b).
2. Complainant filed the Complaint on May 3, 2023.
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.

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) (2020).

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) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL  
Attorney General  
State of Illinois

BY: /s/ Kevin Garstka  
Kevin Garstka  
Assistant Attorney General  
Environmental Bureau  
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Secondary e-mail address: Maria.Cacaccio@ilag.gov

DATE: May 3, 2023

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ROCKFORD, LLC, an Illinois	)	
limited liability company, and	)	
GREEN MEADOWS ESTATES MHC, LLC,	)	
a Delaware limited liability company,	)	
	)	
Respondents.	)	

**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 Respondents GREEN MEADOWS ESTATES OF ROCKFORD, LLC, an Illinois limited liability company ("Old Green Meadows"), and GREEN MEADOWS ESTATES MHC, LLC, a Delaware limited liability company ("New Green Meadows") (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. (2020), 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 May 3, 2023, 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 (2020), against Respondents.

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 (2020).

3. At all times relevant to this Complaint, Old Green Meadows has been and is an Illinois limited liability company qualified to transact business in the State of Illinois.

4. At all times relevant to this Complaint, New Green Meadows has been and is a Delaware limited liability company qualified to transact business in the State of Illinois.

5. From at least December 29, 2017 through November 3, 2020, Old Green Meadows owned and operated a mobile home park (“Green Meadows Estates” or “the Site”) located in Rockford, Winnebago County, Illinois.

6. As of the date of filing of this Stipulation, the Site is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

7. On November 4, 2020, Green Meadows Estates was sold by Old Green Meadows and purchased by New Green Meadows.

8. From November 4, 2020 through the date of filing of this Complaint, New Green Meadows has owned and operated Green Meadows Estates.

**B. Allegations of Non-Compliance**

Complainant contends that Respondents have each violated the following provisions of the Act and Board regulations:

- Count I: Failure to Timely Implement Trichloroethylene Response Plan in violation of Section 17.10(d)(2) of the Act, 415 ILCS 5/17.10(d)(2) (2020), and Section 601.101(a) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101(a).
- Count II: Violation of Public Water Supply Maximum Contaminant Level For Combined Radium in violation of Sections 18(a)(1)-(2) of the Act, 415 ILCS 5/18(a)(1)-(2) (2020), and Sections 601.101 and 611.330(b) of the Board Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101 and 611.330(b).

**C. Non-Admission of Violations**

Respondents each represent that they have 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, Respondents do 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**

1. Upon receiving notice of non-compliance, Old Green Meadows retained a professional engineer to assess and propose a solution.
2. On February 8, 2022, after many months of negotiations, complicated by the COVID-19 pandemic, New Green Meadows entered into an annexation agreement with the City of Rockford for the purpose of connecting the City's municipal water supply.
3. On May 27, 2022, New Green Meadows submitted a construction permit application to the Illinois EPA requesting to build a new water supply transmission main from the Site to the City of Rockford's municipal water supply. On July 22, 2022, the Illinois EPA issued to New Green Meadows Construction Permit No. 1354-FY2022.



4. On October 20, 2022, New Green Meadows connected to the City of Rockford's municipal water supply.

5. On November 21, 2022, New Green Meadows sealed and abandoned wells 1, 2, and 5 at the Site and sent County well sealing forms to the Illinois EPA.

## **II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of their 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 Respondents 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 (2020).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), 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. Human health and the environment were threatened by Respondents' violations.
2. There is social and economic benefit to the Site.
3. Operation of the Site was and is suitable for the area in which it is located.
4. Compliance with the Act and Board Public Water Supplies Regulations is both technically practicable and economically reasonable.
5. Respondents have 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) (2020), 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. Respondents failed to comply with the Act and Board Public Water Supplies Regulations. The violations began on December 29, 2017 during Old Green Meadows' ownership and were resolved by New Green Meadows connecting to the City of Rockford's municipal water supply on October 20, 2022.

2. Old Green Meadows was not diligent in attempting to come back into compliance with the Act and Board regulations. The Illinois EPA notified Old Green Meadows of their noncompliance in violation notices dated September 24, 2019 and March 4, 2021. Old Green Meadows remained in violation of the Act and Board regulations until the date of sale to New Green Meadows. New Green Meadows was diligent in attempting to come back into compliance with the Act and Board Public Water Supplies Regulations once the Illinois EPA notified them of their noncompliance in a violation notice dated September 15, 2021. New Green Meadows returned to compliance on October 20, 2022.

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

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Forty Thousand Dollars (\$40,000.00), to be paid jointly and severally amongst Respondents, will serve to deter further violations and aid in future voluntary compliance with the

Act and Board Public Water Supplies Regulations. In accordance with the Purchase Agreement between Old Green Meadows and New Green Meadows, Old Green Meadows will pay the \$40,000 penalty from an escrow account created for this purpose.

5. To Complainant's knowledge, Respondents have 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**

Respondents shall jointly and severally pay a civil penalty in the sum of Forty Thousand Dollars (\$40,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

##### B. **Interest and Default**

1. If Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondents 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, Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2020), interest shall accrue on any penalty amount owed by Respondents 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:

Kevin Garstka  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. 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 Respondent New Green Meadows' Site 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.

2. This Stipulation in no way affects the responsibilities of Respondents to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

3. Respondents 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 Respondents' payment of the \$40,000.00 penalty, their commitment to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, Complainant releases, waives and discharges Respondents 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 May 3, 2023. Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondents 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 Respondents' 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 Respondents.

**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.

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

FOR COMPLAINANT:


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, Chief  
Environmental Bureau  
Assistant Attorney General


BY:   
CHARLES W. GUNNARSON  
Chief Legal Counsel

DATE: 4/28/23

DATE: 4/28/23

FOR RESPONDENTS:

GREEN MEADOWS ESTATES OF  
ROCKFORD, LLC.

BY: 

ITS: Authorized Member

DATE: 4/12/23

GREEN MEADOWS ESTATES MHC, LLC

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_



FOR RESPONDENTS:

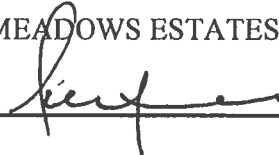
GREEN MEADOWS ESTATES OF  
ROCKFORD, LLC.

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

GREEN MEADOWS ESTATES MHC, LLC

BY: 

ITS: Managing Partner

DATE: 4/10/2023