

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|                                    |   |         |
|------------------------------------|---|---------|
| PEOPLE OF THE STATE OF ILLINOIS,   | ) |         |
| by KWAME RAOUL, Attorney General   | ) |         |
| of the State of Illinois,          | ) |         |
|                                    | ) |         |
| Complainant,                       | ) |         |
|                                    | ) | PCB No. |
| v.                                 | ) |         |
|                                    | ) |         |
| CITY OF LA HARPE,                  | ) |         |
| an Illinois municipal corporation, | ) |         |
|                                    | ) |         |
| Respondent                         | ) |         |

**NOTICE OF FILING**

TO: See 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 following **Complaint, Stipulation and Proposal for Settlement, and Motion For Relief From Hearing Requirement** copies of which is attached and hereby served upon you.

Respectfully submitted,

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

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

By: /s/ Kevin Barnai  
Kevin Barnai  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South 2nd Street  
Springfield, Illinois 62701  
Ph: (217) 782-9035  
Fax: (217) 524-7740  
kevin.barnai@ilag.gov

Dated: December 8, 2025

Service List

For the Respondent

City of La Harpe  
c/o Christopher G Scholz, Counsel  
Scholz Palmer & Duesterhaus LLP  
625 Vermont Street  
Quincy IL 62301-3088  
cgscholz@slpsd.com

For the Agency

Michelle Ryan  
Assistant Counsel  
Illinois Environmental Protection Agency  
2520 W Iles Ave,  
Springfield IL  
Michelle.Ryan@Illinois.gov

Kevin Barnai  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, IL 62706  
(217)- 782-9035  
kevin.barnai@ilag.gov

**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. |
|                                     | ) |         |
| CITY OF LA HARPE,                   | ) |         |
| an Illinois municipal corporation,  | ) |         |
|                                     | ) |         |
| Respondent.                         | ) |         |

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondent, CITY OF LA HARPE, an Illinois municipal corporation, as follows:

**COUNT I**  
**OPEN DUMPING**

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"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2024), against Respondent, CITY OF LA HARPE (the "City").

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 (2024), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2024), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. Respondent, CITY OF LA HARPE, was and is a municipal corporation duly organized and existing under the laws of the State of Illinois.

5. At all times relevant to this Complaint, the City owned and operated the site of its former Water Treatment Plant (“WTP”) located in the northeast corner of the city via an access road off of East County Road 2700, in Hancock County (the “Site”).

6. On June 16, 2017, Illinois EPA issued the City NPDES Permit No. ILG640100, setting forth the terms and conditions under which the WTP was to operate.

7. The WTP’s wastewater, filter backwash and sludge blowdown discharged into two wastewater lagoons. The WTP’s lagoons discharged from Outfall 001 to the South Branch of the La Moine River.

8. Prior to June 2020, the City was building a new water treatment facility to meet the needs of the City and the WTP would be demolished.

9. On or about June of 2020, the WTP was taken offline and the City's new water treatment plant came online.

10. On November 2, 2021, Illinois EPA conducted an inspection (“November 2021 Inspection”) of the WTP and Site and observed that the WTP had been demolished as part of the project to upgrade the City’s public water supply system.

11. During the November 2021 Inspection, Illinois EPA determined that sludge contained within the WTP was buried at the Site in the former location of the WTP.

12. On February 14, 2022, Illinois EPA issued Violation Notice W-2022-50012 to the City.

13. On July 6, 2022, the City advised Illinois EPA that, in addition to the sludge known to be buried at the Site, there was also demolished brick and concrete building debris buried and commingled with the sludge.

14. On October 21, 2022, Illinois EPA issued a second Violation Notice No. W-2022-50248 to the City for violations including causing open dumping of waste at the site of the former WTP and conducting a waste disposal operation without a permit at the Site.

15. On June 12, 2023, the City advised the Illinois EPA of its plans to excavate the buried debris and sludge and properly dispose of the waste from the Site.

16. On or about June 15, 2023, the City disposed of approximately 26.42 tons of waste excavated from the Site with Waste Management Services.

17. On October 2, 2023, after confirming that the waste had been removed and properly disposed of, the Illinois EPA approved the City's backfilling of the excavated area at the Site.

18. Section 21(a) of the Act, 415 ILCS 5/21(a) (2024), provides as follows:

No person shall:

(a) Cause or allow the open dumping of any waste.

19. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), provides as follows:

"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.

20. Respondent, an Illinois municipal corporation, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

21. Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), provides, in pertinent part, as follows:

“Waste” means any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. . . .

22. Section 3.385 of the Act, 415 ILCS 5/3.385 (2024), provides as follows:

“Refuse” means waste.

23. Water treatment plant sludge and demolished brick and concrete building debris from the WTP at the Site is “discarded material,” and therefore “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), and is therefore also “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2024).

24. Section 3.305 of the Act, 415 ILCS 5/3.305 (2024), provides as follows:

“Open dumping” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

25. Section 3.460 of the Act, 415 ILCS 5/3.460 (2024), provides as follows:

“Site” means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

26. The WTP and the Site are “sites” as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2024).

27. Section 3.185 of the Act, 415 ILCS 5/3.185 (2024), provides as follows:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

28. Waste was discharged, deposited, dumped, spilled, leaked, and/or placed on the land at the WTP and Site in such a manner that waste, or constituents thereof, may enter the environment, be emitted into the air, or be discharged into waters or groundwater. Therefore, “disposal” occurred on the Site, as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2024), and the Site is a “disposal site” within the meaning of the Act.

29. Section 3.445 of the Act, 415 ILCS 5/3.445 (2024), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580[, 42 U.S.C.A. § 6901 et seq.,] and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

30. Section 3.105 of the Act, 415 ILCS 5/3.105 (2024), provides as follows:

“Agency” is the Environmental Protection Agency established by this Act.

31. The City had never applied for or been granted a permit from Illinois EPA for the storage or disposal of waste on the Site.

32. At all times relevant to this Complaint, the Site was not permitted by Illinois EPA for the disposal of waste, and therefore was not a “sanitary landfill” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2024).

33. Beginning prior to November 2, 2021, and on dates better known to the City, the City consolidated refuse at a disposal site not meeting the requirements of a sanitary landfill, and therefore caused or allowed open dumping of waste at the Site.

34. By causing or allowing open dumping of waste, Respondent violated Section 21(a)

of the Act, 415 ILCS 5/21(a) (2024).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF LA HARPE, an Illinois municipal corporation, on this Count I, as follows:

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

B. Finding that the Respondent has violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2024);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT II**  
**CONDUCTING A WASTE-DISPOSAL OPERATION WITHOUT A PERMIT**

1-33. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 33 of Count I as paragraphs 1 through 33 of this Count II.

34. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2024), provides, in pertinent part, as follows:

No person shall:



\* \* \*

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, .

..

35. Beginning prior to November 2, 2021, and on dates better known to the City, the City conducted a waste-disposal operation at the Site without a permit granted by Illinois EPA.

36. By conducting a waste-disposal operation at the Site without a permit granted by Illinois EPA, Respondent violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2024).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent, CITY OF LA HARPE, an Illinois municipal corporation, for the following relief:

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

B. Finding that the Respondent has violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2024);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2024);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and

attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT III**  
**DISPOSAL OF WASTE AT AN IMPROPER SITE**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 34 of Count I and paragraphs 34 through 36 of Count II, as paragraphs 1 through 37 of this Count III.

38. Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), provides as follows:

No person shall:

\* \* \*

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

39. Section 391.402(l) of the Board's regulations, 35 Ill. Adm. Code 391.402(l), provides, in pertinent part, as follows:

l) If the sludge is disposed of by burial on the treatment plant grounds, the site must be designed and operated in accordance with the regulations adopted pursuant to Title V of the Environmental Protection Act.

40. Section 301.395 of the Board's regulations, 35 Ill. Adm. Code 301.395, provides, in pertinent part, as follows:

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.

41. The WTP's sludge buried at the Site is "sludge" as that term is defined in Section 301.395 of the Board's regulations, 35 Ill. Adm. Code 301.395.

42. Beginning prior to November 2, 2021, and on dates better known to the City, the City disposed of, stored, and/or abandoned sludge at the Site.

43. The Site is not a site or facility that meets the requirements of the Act and of the regulations and standards promulgated thereunder.

44. By disposing, storing, and/or abandoning the sludge at the Site, Respondent violated Section 391.402(l) of the Board's regulations, 35 Ill. Adm. Code 391.402(l), and Section 21(e) of the Act, 415 ILCS 5/21(e) (2024).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent, CITY OF LA HARPE, an Illinois municipal corporation, for the following relief:

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

B. Finding that the Respondent violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), and Section 391.402(l) of the Board's regulations, 35 Ill. Adm. Code 391.402(l);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), and Section 391.402(l) of the Board's regulations, 35 Ill. Adm. Code 391.402(l);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

Respectfully Submitted,

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/ Rachel R. Medina  
RACHEL R. MEDINA, Chief  
Environmental Bureau  
Assistant Attorney General  
ARDC #6297171

Kevin D. Barnai  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
ARDC #6329422  
(217) 782-9035  
Kevin.Barnai@ilag.gov

**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. |
|                                    | ) |         |
| CITY OF LA HARPE,                  | ) |         |
| 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 LA HARPE, an Illinois municipal corporation, ("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. (2024), 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. Contemporaneously with this Stipulation, 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 (2024), 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 (2024).

3. At all times relevant to the Complaint, Respondent, CITY OF LA HARPE, was and is a municipal corporation duly organized and existing under the laws of the State of Illinois.

4. At all times relevant to the Complaint, the Respondent owned and operated the site of its former Water Treatment Plant ("WTP") located in the northeast corner of the city via an access road off of East County Road 2700, in Hancock County (the "Site").

**B. Allegations of Non-Compliance**

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

Count I: **OPEN DUMPING**

Section 21(a) of the Act, 415 ILCS 5/21(a) (2024)

Count II: **CONDUCTING A WASTE-DISPOSAL OPERATION WITHOUT A PERMIT**

Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2024)

Count III: **DISPOSAL OF WASTE AT AN IMPROPER SITE**

Section 21(e) of the Act, 415 ILCS 5/21(e) (2024); Section 391.402(l) of the Board's regulations, 35 Ill. Adm. Code 391.402(l)

**C. Admission of Violations**

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

**D. Compliance Activities to Date**

1. On or about June 15, 2023, the Respondent disposed of approximately 26.42 tons of waste excavated from the Site with Waste Management Services.

2. On October 2, 2023, after confirming that the waste had been removed and properly disposed of, the Illinois EPA approved the Respondent's backfilling of the excavated area at the Site.

## **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 (2024).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), 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 and the Illinois EPA's information gathering responsibilities hindered by the Respondent's improper dumping and burial of brick and concrete building debris commingled with water treatment plant sludge.
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, so long as it is operated in compliance with the Act and Board regulations.
4. Disposing of waste properly to permitted sites was both 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) (2024), 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. Respondent required approximately 596 days to abate violations from Violation Notice W-2022-50012.
2. Respondent showed reasonable diligence in attempting to come back into compliance with the Act and Board regulations, once 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 civil penalty of SIX THOUSAND DOLLARS (\$6,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. Respondent paid \$6,000.00 as a civil penalty pursuant to a Consent Order in *People v. City of La Harpe*, Case No. 2018-CH-27, entered on November 1, 2018, for public water supplies violations including exceedance of the maximum contaminant level ("MCL") for haloacetic acids and turbidity, failure to maintain minimum chlorination levels and recommended standard for water works, and failure to have a Responsible Operator in Charge.
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 and Avoided Fee Payments**

The Respondent shall pay a civil penalty in the sum of SIX THOUSAND DOLLARS (\$6,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation. Payment of the civil penalty shall be approved by the City of La Harpe's City Council ("Approval") prior to the tendering of payment. A copy of the Approval is attached hereto and incorporated by reference into this Stipulation as Exhibit A.

**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.

Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
2520 W. Iles Ave.  
P.O. Box 19276  
Springfield, IL 62794-9276

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

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

Kevin D. Barnai  
Assistant Attorney General  
Environmental Bureau South  
Illinois Attorney General's Office  
500 South Second St.  
Springfield, Illinois 62701

**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 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.

2. 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.

3. 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 civil penalty of SIX THOUSAND DOLLARS (\$6,000.00), its commitment to cease and desist as contained in Section V.D.3 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 contemporaneously with this Stipulation. 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.

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

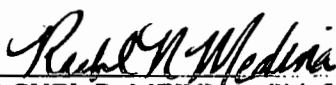
**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* KWAME RAOUL, Attorney General  
of the State of Illinois

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

BY:   
RACHEL R. MEDINA, Chief  
Environmental Bureau  
Assistant Attorney General

DATE: 10/14/2025

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

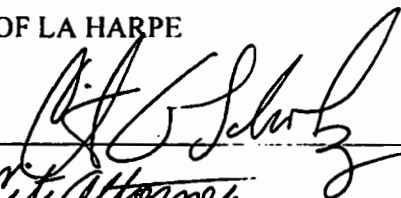
JAMES JENNINGS, Acting Director  
Illinois Environmental Protection Agency

BY:   
ANDREW ARMSTRONG  
Chief Legal Counsel

DATE: 10/06/2025

FOR THE RESPONDENT:

CITY OF LA HARPE

BY:   
Its: City Attorney  
DATE: 09/23/2025

LaHarpe City Council  
September 22, 2025

The regularly scheduled monthly meeting was called to order at 7:00 pm.

Answering roll call were: Dave Clover, Jeff McDowell, Marvin Miller, Randy Shumaker, Treasurer-Monalisa Graves City Clerk-Lucretia McPeak, and Mayor Katherine Hasten-Reed. Todd Stevens and Jim Lenix were absent.

Also present: Dan Gillett, Tim Graves, Dustin Detherage, Tim Edwards, Michael Rodeffer, and Valda Roberts.

Everyone recited the Pledge of Allegiance.

**Committee reports:**

Public property reported turning in the bill for CCS for printer ink.

**Other reports:**

Tim Graves reported IRWA will be here Monday for sludge testing at sewer plant and test sludge depth.

Tim Edwards went over the police report.

He will be at training in Quincy Tuesday and Wednesday (23<sup>rd</sup> and 24<sup>th</sup>).

He discussed the walk through at the Old Nursing home. He had called the City Attorney and hasn't received a response from him, pertaining to the walk through and who should be there and how it should be handled.

He was advised to take the police vehicles to Clover Tire for fluids, and 3B Auto for mechanical. It will be on the next agenda to discuss and take action to purchase an AR rifle for the police department.

Clover thinks there's time off being taken for employee's and not being recorded.

City Clerk McPeak asked the council to appropriate funds from MFT to pay: Central Stone Company - \$217.10 and Midwest Express & Hay Grinding - \$381.24.

-Shumaker made the motion to appropriate funds from MFT to pay: Central Stone Company - \$217.10 and Midwest Express & Hay Grinding - \$381.24. Clover seconded the motion. Motion carried unanimously.

Treasurer Graves reported Brozene Hydraulics was paid last month.

**Public comment:**

Dan Gillett reported issues with the sink at the Historic Society, and Tim Graves repaired the issue.

Dustin Detherage had questions re: why there are 2 grain bins and storage on Johnson Ground property. Apparently, there is a 40 year lease on this property. It will be looked into.

**Old Business:**

-Clover made the motion to approve the treasurer's report and pay bills. McDowell seconded the motion. Motion carried unanimously.

-Shumaker made the motion to allow the Police Chief Edwards to continue driving the City Police car to Oquawka through October 8th. Miller seconded the motion. Motion carried with a 3 to 1 vote, with McDowell, Miller, and Shumaker voting yes, and Clover voting no.

It will be on the next agenda to send someone to Part time Police Academy.

Academy's opening up April 2026 for part time.

-Shumaker made the motion to open job posts for part time and full time certified Police Officers, and to open a job post for persons interested in becoming certified Police Officers. Clover seconded the motion. Motion carried unanimously.

It will be on the next agenda to use Benton Engineering for the sewer project, and to hire a new Engineering firm.

-Clover made the motion to approve the City of La Harpe Enforcement Action (re: Sludge pond and pay the \$6,000.00 fine) Shumaker seconded the motion. Motion carried unanimously.

Other Old Business - for discussion only

The bill from MBS Construction for Dallas Neff sidewalk was \$3,562.00 for the City part. There is money from MFT for sidewalks.

The Solar project was discussed.

**New Business:**

The sidewalk replacement between Haley Kienast and Shirley Ander's was discussed. This was already done several months ago without City Council approval. This will be on the next agenda.

-Clover made the motion to donate \$500.00 for the Country Christmas (December 2<sup>nd</sup>).

Shumaker seconded the motion. Motion carried unanimously.

-Clover made the motion to approve the Parade Resolution for Country Christmas. Miller seconded the motion. Motion carried unanimously.

Other New Business - for discussion only:

There was discussion why Daniel Carpenter's City truck was at 3B Auto, and is now at Clover Tire.

-Shumaker made the motion to adjourn the regular meeting. Miller seconded the motion. Motion carried unanimously.

The regular council meeting adjourned at 8:38 pm.

Respectfully submitted,  
Lucretia McPeak, City Clerk

*Lucretia McPeak*  
*Katherine Hester Reed*



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|                                   |   |         |
|-----------------------------------|---|---------|
| PEOPLE OF THE STATE OF ILLINOIS,  | ) |         |
| by KWAME RAOUL, Attorney General  | ) |         |
| of the State of Illinois,         | ) |         |
|                                   | ) |         |
| Complainant,                      | ) |         |
|                                   | ) | PCB No. |
| v.                                | ) |         |
|                                   | ) |         |
| CITY OF LA HARPE,                 | ) |         |
| 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 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2024), 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) (2024). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 21(a), (d) and (e) of the Act, 415 ILCS 5/21(a), (d), and (e) (2024), 415 ILCS 5/21(a), (d), and (e) (2024) and Section 391.402(l) of the Board’s regulations, 35 Ill. Adm. Code 391.402(l).
2. Complainant filed the Complaint in this matter on December 8, 2025. Complainant is filing the Stipulation and Proposal for Settlement with the Board simultaneously with this Motion.
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) (2024).

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) (2024).

Respectfully submitted,

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/ Kevin Barnai  
Kevin Barnai  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South 2nd Street  
Springfield, Illinois 62701  
Ph: (217) 782-9035  
Fax: (217) 524-7740  
kevin.barnai@ilag.gov

Dated: December 8, 2025

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|                                    |   |         |
|------------------------------------|---|---------|
| PEOPLE OF THE STATE OF ILLINOIS,   | ) |         |
| by KWAME RAOUL, Attorney General   | ) |         |
| of the State of Illinois,          | ) |         |
|                                    | ) |         |
| Complainant,                       | ) |         |
|                                    | ) | PCB No. |
| v.                                 | ) |         |
|                                    | ) |         |
| CITY OF LA HARPE,                  | ) |         |
| an Illinois municipal corporation, | ) |         |
|                                    | ) |         |
| Respondent                         | ) |         |

**CERTIFICATE OF SERVICE**

Michael Lehman, under penalties as provided by law pursuant to §1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), certifies that the statements set forth in this certificate of service are true and correct, and that he has served a copy of the foregoing ***Notice of Filing, Motion for Relief from Hearing Requirement, Complaint, and Stipulation and Proposal for Settlement as to Respondent City of La Harpe***, by electronic and U.S. Mail on December 8, 2025 to the following:

City of La Harpe  
c/o Christopher G Scholz, Counsel  
Scholz Palmer & Dueterhaus LLP  
625 Vermont Street  
Quincy IL 62301-3088  
[cgscholz@slpsd.com](mailto:cgscholz@slpsd.com)

A copy of this was also e-filed with the Illinois Pollution Control Board on this date

/s/ Michael Lehman  
Michael Lehman  
Environmental Bureau

Kevin Barnai  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South 2nd Street  
Springfield, Illinois 62701  
Ph: (217)- 782-9035  
[kevin.barnai@ilag.gov](mailto:kevin.barnai@ilag.gov)