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JUN 05 2001

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Jim Ryan

ATTORNEY GENERAL

May 31, 2001

PCB 01-165

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601-3286

Re: People v. Village of Rantoul and Textron Automotive Exteriors, Inc.

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT WITH VILLAGE OF RANTOUL, STIPULATION AND PROPOSAL FOR SETTLEMENT WITH THE VILLAGE OF RANTOUL, MOTION FOR RELIEF FROM HEARING REQUIREMENT WITH TEXTRON AUTOMOTIVE EXTERIORS, INC. and STIPULATION AND PROPOSAL FOR SETTLEMENT WITH TEXTRON AUTOMOTIVE EXTERIORS in regard to the above captioned matter. Please file the originals and return a file-stamped copy to our office in the enclosed self-addressed stamped envelope.

Thank you for your cooperation and consideration.

Sincerely,

Sally A. Carter

Sally A. Carter
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706

SAC/bd
Enclosures

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CLERK'S OFFICE

JUN 05 2001

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
VILLAGE OF RANTOUL, an Illinois)
municipal corporation, and TEXTRON)
AUTOMOTIVE EXTERIORS, INC., a)
Delaware corporation,)
)
Respondents.)

PCB NO. 01-165
(Enforcement)

NOTICE OF FILING

To: Mr. Jamie Schiff
40 Westminister Street
Providence, Rhode Island 02903

Mr. Kenneth N. Beth
Evans, Froehlich, Beth & Chamley
44 Main Street, Third Floor
Champaign, Illinois 61820

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT WITH VILLAGE OF RANTOUL, STIPULATION AND PROPOSAL FOR SETTLEMENT WITH THE VILLAGE OF RANTOUL, MOTION FOR RELIEF FROM HEARING REQUIREMENT WITH TEXTRON AUTOMOTIVE EXTERIORS, INC. and STIPULATION AND PROPOSAL FOR SETTLEMENT WITH TEXTRON AUTOMOTIVE EXTERIORS, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
Attorney General of the
State of Illinois

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

BY: Sally A. Carter
SALLY A. CARTER
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 5/31/01

CERTIFICATE OF SERVICE

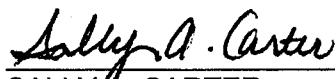
I hereby certify that I did on the 31st day of May 2001, send by First Class Mail, with postage thereon fully prepaid, by depositing in the United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT WITH VILLAGE OF RANTOUL, STIPULATION AND PROPOSAL FOR SETTLEMENT WITH THE VILLAGE OF RANTOUL, MOTION FOR RELIEF FROM HEARING REQUIREMENT WITH TEXTRON AUTOMOTIVE EXTERIORS, INC. and STIPULATION AND PROPOSAL FOR SETTLEMENT WITH TEXTRON AUTOMOTIVE EXTERIORS

To: Mr. Jamie Schiff
40 Westminister Street
Providence, Rhode Island 02903

Mr. Kenneth N. Beth
Evans, Froehlich, Beth & Chamley
44 Main Street, Third Floor
Champaign, Illinois 61820

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s)

To: Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601



SALLY A. CARTER
Assistant Attorney General

This filing is submitted on recycled paper.

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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Complainant,)
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v.)
)
VILLAGE OF RANTOUL, an Illinois)
municipal corporation, and TEXTRON)
AUTOMOTIVE EXTERIORS, INC., a Delaware)
corporation,)
)
Respondents.)

PCB NO. 01-165
(Enforcement)

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Respondents, VILLAGE OF RANTOUL and TEXTRON AUTOMOTIVE EXTERIORS, INC., as follows:

COUNT I

PUBLIC WATER SUPPLY PERMIT

1. This Count is brought on behalf of the People of the State of Illinois, by James E. Ryan, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/31 (2000).
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 (2000), and charged, *inter alia*, with the duty of enforcing the Act.
3. The Respondent, Village of Rantoul ("Village"), is an Illinois municipal corporation. The Village Mayor of Rantoul is Joseph T. Brown, P.O. Box 38, Rantoul, Illinois 61866.

4. The Village's public water supply ("PWS") serves a population of approximately 13,000 people through 3,400 direct service connections. The Village's PWS bills more than 500 residential, commercial, and industrial customers located at the former Chanute Air Force Base. The Village obtains its water from eight drift wells. The water is passed through an aerator, softened with lime, clarified, treated with alum, and is then fluoridated, treated with a phosphate, filtered, chlorinated, and passed to a clear well before being discharged to the distribution system.

5. The Respondent, Textron Automotive Exteriors, Inc., ("Textron") is a Delaware corporation.

6. The registered agent for Textron is C.T. Corporation System, 208 South LaSalle Street, Chicago, Illinois 60604-1136.

7. Section 3.26 of the Act, 415 ILCS 5/3.26 (2000), defines "person" as:

"PERSON" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity or their legal representative, agent or assigns.

8. Section 15 of the Act, 415 ILCS 5/15 (2000), provides:

Owners of public water supplies, their authorized representative, or legal custodians, shall submit plans and specifications to the Agency and obtain written approval before construction of any proposed public water supply installations, changes, or additions is started. Plans and specifications shall be complete and of sufficient detail to show all proposed construction, changes, or additions that may affect sanitary quality, mineral quality, or adequacy of the public water supply; and, where necessary, said plans and specifications shall be accompanied by supplemental data as may be required by the Agency to permit a complete review thereof.

9. Section 18(a) of the Act, 415 ILCS 5/18(a) (2000), provides:

Section 18(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 Board under this Act; . . .

10. Section 601.105 of the Board's Public Water Supply Regulations, 35 Ill. Adm.

Code 601.105, defines "water main" as:

[A]ny pipe for the purpose of distribution of potable water which serves or is accessible to more than one property, dwelling, or rental unit, and is exterior to buildings.

11. Section 602.101 of the Board's Public Water Supply Regulations, 35 Ill. Adm.

Code 602.101, provides:

- a) No person shall cause or allow the construction of any new public water supply installation or cause or allow the change of or addition to any existing public water supply, without a construction permit issued by the Environmental Protection Agency (Agency). Public water installation, change, or addition shall not include routine maintenance, service pipe connections, hydrants and valves, or replacement of equipment, pipe, and appurtenances with equivalent equipment, pipe, and appurtenances.

* * *

12. On July 2, 1999, the Illinois EPA received a construction permit application, signed by representatives of the Village and Textron, for the installation of 690 feet of ten-inch water main, titled "Rantoul Products-Textron Plant 3 Addition."

13. In early July 1999, the Plant Environmental Health and Safety Coordinator for Textron contacted the Illinois EPA, inquiring as to the status of the permit application.

14. On July 14, 1999, the Illinois EPA received correspondence from the Village requesting that the Illinois EPA issue the construction permit so that the Village could complete the water main installation and close "ditches opened to reroute the water system."

15. On July 15, 1999, the Illinois EPA contacted the Village inquiring into the status of the subject water main installation. The Village informed the Illinois EPA that Textron had installed all but twenty feet of the water main.

16. On July 16, 1999, an Illinois EPA inspector visited the site and observed an open hole, the end of a pipe, a hydrant and determined that all but approximately thirty feet of the water main had been installed.

17. By constructing a water main installation without a permit granted by the Illinois EPA, Textron Automotive Exteriors has violated Section 18 of the Act, 415 ILCS 5/18 (2000), and Section 602.101 of the Pollution Control Board Regulations, 35 Ill. Adm. Code 602.101.

18. By constructing a water main installation without a permit granted by the Illinois EPA, the Village of Rantoul has violated Sections 15 and 18 of the Act, 415 ILCS 5/15 and 18 (2000), and Section 602.101 of the Pollution Control Board Regulations, 35 Ill. Adm. Code 602.101.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully request that this Board enter an order against the Respondents, Textron Automotive Exteriors and the Village of Rantoul:

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

B. Finding that Textron Automotive Exteriors has violated Section 18 of the Act, 415 ILCS 18 (2000), and 35 Ill. Adm. Code 602.101;

C. Finding that the Village of Rantoul has violated Sections 15 and 18 of the Act, 415 ILCS 5/15 and 18 (2000), and 35 Ill. Adm. Code 602.101;

D. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;

E. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2000), and after the adjudication of the violations, impose upon the Respondent a monetary penalty of not more than the statutory maximum;

F. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2000), and after the adjudication of the violations, award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

G. Grant such other and further relief as the Board deems appropriate.

COUNT II

PUBLIC WATER SUPPLY QUALITY VIOLATIONS

1. This Count is brought on behalf of the People of the State of Illinois, by James E. Ryan, Attorney General of the State of Illinois, on his own motion.

2-16. Complainant realleges and reincorporates herein by reference paragraphs 1 through 16 of Count I as paragraphs 2 through 16 of this Count II.

17. Section 601.101 of the Board's Public Water Supply Regulations, 35 Ill. Adm. Code 601.101, provides:

Owners and official custodians of a public water supply in the State of Illinois shall provide pursuant to the Environmental Protection Act, the Pollution Control Board rules, and the Safe Drinking Water Act continuous maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory, mineral characteristics for ordinary domestic consumption.

18. By constructing a water main extension without a permit granted by the Illinois EPA, the Village of Rantoul has violated Section 18 of the Act, 415 ILCS 5/18 (2000), and Section 601.101 of the Pollution Control Board Regulations, 35 Ill. Adm. Code 601.101.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board enter an order against the Respondent, the Village of Rantoul:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that the Village of Rantoul has violated Section 18 of the Act, 415 ILCS 5/18 (2000), and 35 Ill. Adm. Code 601.101;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2000), and after the adjudication of the violations, impose upon the Respondent a monetary penalty of not more than the statutory maximum;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2000), and after the adjudication of the violations, award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

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

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

JAMES E. RYAN,
Attorney General
State of Illinois

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

BY: _____
THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

Of Counsel
SALLY A. CARTER
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 2/08/01
rantoulcomp/bd

JUN 05 2001

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
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 VILLAGE OF RANTOUL, an Illinois)
 municipal corporation, and TEXTRON)
 AUTOMOTIVE EXTERIORS, INC.,)
 a Delaware corporation,)
)
 Respondents.)

PCB NO. 01-165
(Enforcement)

MOTION FOR RELIEF FROM HEARING
REQUIREMENT WITH VILLAGE OF RANTOUL

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, and pursuant to subsection 32(c)(2) of the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/32(c)(2) (2000), moves that the Illinois Pollution Control Board ("the Board") grant the PEOPLE OF THE STATE OF ILLINOIS and the VILLAGE OF RANTOUL, relief from the hearing requirement in the above-captioned matter. In support of this motion, Complainant states as follows:

1. Simultaneously with the filing of this motion, the Complainant is filing a Complaint with the Board, alleging that the Respondent failed to attain the required construction permit from the Illinois Environmental Protection Agency prior to the installation of a water main extension in the Village of Rantoul.
2. The People of the State of Illinois and the Respondent, Village of Rantoul, have reached agreement on all outstanding issues in this matter.
3. This agreement is memorialized and presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.

4. The parties, the People of the State of Illinois and the Village of Rantoul, agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and request relief from such a hearing as provided pursuant to subsection 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2000).

WHEREFORE, Complainant, People of the State of Illinois, hereby respectfully requests that the Board grant this Motion for Relief from the Hearing Requirement between the Village of Rantoul and the People of the State of Illinois, as set forth in subsection 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2000).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

JAMES E. RYAN,
Attorney General
State of Illinois

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

BY: Sally A. Carter
SALLY A. CARTER
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 5/31/01
rantoulmn/bd

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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Complainant,)
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v.)
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VILLAGE OF RANTOUL, an Illinois)
municipal corporation, and TEXTRON)
AUTOMOTIVE EXTERIORS, INC., a Delaware)
corporation,)
)
Respondents.)

PCB NO. 01-168
(Enforcement)

STIPULATION AND PROPOSAL FOR SETTLEMENT
WITH THE VILLAGE OF RANTOUL

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, at the request of the Illinois Environmental Protection Agency, and Respondent, VILLAGE OF RANTOUL, and hereby submit this Stipulation and Proposal for Settlement. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced if a full hearing were held. The parties agree that this Settlement is a compromise of a disputed claim. The parties further stipulate that this statement of facts is made and agreed upon for the purposes of settlement only and that neither the fact that a party has entered into the Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding except to enforce the terms hereof by the parties to this agreement. Notwithstanding the previous sentence, this Stipulation and Proposal for Settlement and any Illinois Pollution Control Board ("Board") order accepting same may be used in any future enforcement action as evidence of past adjudication of violation, as provided in Section 42(h) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(h) (2000). The agreement shall

be null and void unless the Board approves and disposes of this matter on each and every one of the terms and conditions of the Settlement set forth herein.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 *et seq.* (2000).

II.

AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Proposal for Settlement and to legally bind them to it.

III.

APPLICABILITY

This Stipulation and Proposal for Settlement shall apply to and be binding upon the Complainant and the Respondent, Village of Rantoul, and any officer, director, agent, employee or servant of Respondent, as well as the Respondent's successors and assigns. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Settlement the failure of its officers, directors, agents, servants, or employees to take such action as shall be required to comply with the provisions of this Settlement.

IV.

STATEMENT OF FACTS

1. The Illinois Environmental Protection Agency ("Illinois EPA") is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (2000), and charged, *inter alia*, with the duty of enforcing the Act.

2. Respondent, Village of Rantoul ("Rantoul" or "Village") is an Illinois municipal corporation. The Village Mayor of Rantoul was Joseph T. Brown, P.O. Box 38, Rantoul, Illinois 61866.

3. The Respondent, Textron Automotive Exteriors, Inc. ("Textron") is a Delaware corporation. The registered agent for Textron is C.T. Corporation System, 208 South LaSalle Street, Chicago, Illinois 60604-1136.

4. The Village's public water supply ("PWS") serves a population of approximately 13,000 people through 3,400 direct service connections. The Village's PWS bills more than 500 residential, commercial, and industrial customers located at the former Chanute Air Force Base. The Village obtains its water from eight drift wells. The water is passed through an aerator, softened with lime, clarified, treated with alum, and is then fluoridated, treated with a phosphate, filtered, chlorinated, and passed to a clear well before being discharge to the distribution system.

5. On July 2, 1999, the Illinois EPA received a construction permit application, signed by representatives of the Village and Textron for the installation of 690 feet of ten-inch water main, titled "Rantoul Products-Textron Plant 3 Addition."

6. In early July 1999, the Plant Environmental Health and Safety Coordinator for Textron contacted the Illinois EPA, inquiring as to the status of the permit application.

7. On July 14, 1999, the Illinois EPA received correspondence from the Aviation and Economic Development Director of the Village requesting that the Illinois EPA issue the construction permit so that the Village could complete the water main installation and close "ditches opened to reroute the water system."

8. On July 15, 1999, the Illinois EPA contacted the Village inquiring into the status of the subject water main installation. The Village informed the Illinois EPA that Textron had installed all but twenty feet of the water main.

9. On July 16, 1999, an Illinois EPA inspector visited the site and observed an open hole, the end of a pipe, a hydrant and determined that all but approximately thirty feet of the water main had been installed.

10. By constructing a water main installation without a permit granted by the Illinois EPA, the Village of Rantoul has violated Section 18 of the Act, 415 ILCS 5/18 (2000), and Section 602.201 of the Pollution Control Board Regulations, 35 Ill. Adm. Code 602.101.

11. By constructing a water main installation without a permit granted by the Illinois EPA, the Village of Rantoul has violated Sections 15 and 18 of the Act, 415 ILCS 5/15 and 18 (2000), and Section 602.101 of the Pollution Control Board Regulations, 35 Ill. Adm. Code 602.101.

12. The Complainant contends that by constructing a water main extension without a permit granted by the Illinois EPA, the Village of Rantoul has violated Section 18 of the Act, 415 ILCS 5/18 (2000), and Section 601.101 of the Pollution Control Board Regulations, 35 Ill. Adm. Code 601.101.

V.

COVERED MATTERS

This Consent Order covers all claims asserted in the Complainant's Complaint concerning violations of the Act, 415 ILCS 5/1 *et seq.* (2000), and the regulations promulgated thereunder as alleged against the Village of Rantoul.

Covered matters do not include:

- i) Claims based on the Respondent's failure to meet the requirements of this Stipulation and Proposal for Settlement;
- ii) Liability for future violation of state, local, federal, and common laws and/or regulations;

- iii) Any future liability for natural resource damage or for removal, cleanup, or remedial action as a result of a release of hazardous substances or the liability of the Respondent under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601-9675; and
- iv) The liability of the Respondent, Textron Automotive Exteriors, pertaining to this proceeding.

VI.

FUTURE PLANS OF COMPLIANCE

Respondent shall continue to diligently conform to the Act, 415 ILCS 5/1 *et seq.* (2000), and the Board's Water Pollution and Agriculture Regulations, 35 Ill. Adm. Code Subtitles C and E.

VII.

IMPACT ON THE PUBLIC RESULTING FROM NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2000), provides:

* * *

- c. 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 or 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 state as follows:

1. Complainant contends that the injury to, or interference with, the protection of the health, general welfare, and physical property of the People would be characterized as a potential for contamination of the public water supply and the degree of injury would be dependent upon the extent of the pollution and the degree of exposure to that pollution;
2. The parties agree that the Respondent's water mains are of social and economic benefit;
3. Respondent's water mains that are the subject of this Complaint have been found suitable to the area in which the mains are located by the Illinois EPA for such use in the Village of Rantoul;
4. The parties agree that complying with the Act and regulations is technically practicable and economically reasonable; and
5. Respondent implemented preventative measures subsequent to the alleged violations that are the subject of the Complaint in this matter in order to ensure the attainment of appropriate permits in the future and thus, compliance with the Act and the Board's Regulations.

VIII.

CONSIDERATION OF SECTION 42(H) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2000), provides:

* * *

- h. in determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of 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 violation;

2. the presence or absence of due diligence on the part of the violator in attempting to comply with the requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the violator because of delay in compliance with requirements;
4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

* * *

In response to these factors, the parties state as follows:

1. Complainant contends that the Respondent constructed water mains without attaining the required construction permits from the Illinois EPA. The Complainant contends that the construction of the water mains without the required permit occurred since at least July 1999 and continued through November 8, 1999.
2. Once discovering the non-submittal of the required construction permits, the Respondent worked diligently to comply with the Act.
3. The Complainant contends that the economic benefit accrued by the Respondent's noncompliance is the savings realized by not properly attaining the required construction permits prior to the commencement of the construction of the water main.
4. Complainant has determined, in this instance, that a penalty of three thousand dollars (\$3,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and applicable regulations.
5. There are no previously adjudicated violations of the Act by the Respondent.

IX.

TERMS OF SETTLEMENT

A. The Respondent admits the violations of Sections 15 and 18 of the Act, 415 ILCS 5/12(c), 15 and 18 (2000), 35 Ill. Adm. Code 602.101 as alleged in the Complaint.

B. The Respondent, Village of Rantoul, shall pay a penalty of three thousand dollars (\$3,000.00) into the Illinois Environmental Protection Trust Fund within thirty (30) days from the date on which the Pollution Control Board adopts a final order approving this Stipulation and Proposal for Settlement. Payment shall be made by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Respondent's Federal Employer Identification Number ("FEIN") shall be written upon the certified check or money order. Respondent's FEIN is: 37-6000510

A copy of the payment transmittal and check shall be simultaneously submitted to:

Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

C. Respondent shall comply with Sections 15 and 18 of the Act, 415 ILCS 5/12(c), 15 and 18 (2000), 35 Ill. Adm. Code 601.101 and 602.101, and shall cease and desist from violations of any other federal, state or local environmental statutes and regulations, including the Act and the Board Rules and Regulations.

X.

RIGHT OF ENTRY

In addition to any other authority provided by law and in compliance with 35 Ill. Adm. Code 501.146, the Respondent shall allow duly authorized representatives of the Attorney General and/or the Illinois EPA entry and access to those portions of the Respondent's site covered by this Stipulation and Proposal for Settlement to inspect and investigate compliance with the terms and objectives of this Stipulation and Proposal for Settlement, including, but not limited to, collecting samples, taking photographs, reviewing and copying facility records and other documents, and inspecting equipment.

XI.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation and Proposal for Settlement in no way affects the responsibility of Respondent to comply with any federal, state, or local regulations, including but not limited to the Act, 415 ILCS 5/1 *et seq.* (2000), and the Board's Rules and Regulations, 35 Ill. Adm. Code, Subtitles A through H.

WHEREFORE, Complainant and Respondent requests that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

JAMES E. RYAN,
Attorney General
State of Illinois

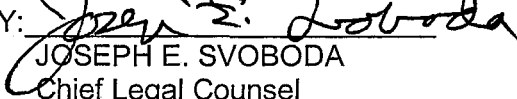
MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

DATED: 5/03/01

BY: 
THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

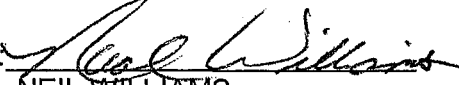
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

DATED: 5/2/01

BY: 
JOSEPH E. SVOBODA
Chief Legal Counsel
Division of Legal Counsel

VILLAGE OF RANTOUL

DATED: 5/16/01

BY: 
NEIL WILLIAMS
Mayor of Village of Rantoul

JUN 05 2001

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
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Complainant,)
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VILLAGE OF RANTOUL, an Illinois)
municipal corporation, and TEXTRON)
AUTOMOTIVE EXTERIORS, INC. a)
Delaware corporation,)
)
Respondents.)

PCB NO. 01-165
(Enforcement)

MOTION FOR RELIEF FROM HEARING
REQUIREMENT WITH TEXTRON AUTOMOTIVE EXTERIORS, INC.

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, and pursuant to subsection 32(c)(2) of the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/32(c)(2) (2000), moves that the Illinois Pollution Control Board ("the Board") grant the PEOPLE OF THE STATE OF ILLINOIS and TEXTRON AUTOMOTIVE EXTERIORS, INC., relief from the hearing requirement in the above-captioned matter. In support of this motion, Complainant states as follows:

1. Simultaneously with the filing of this motion, the Complainant is filing a Complaint with the Board, alleging that the Respondent failed to attain the required construction permit from the Illinois Environmental Protection Agency prior to the installation of a water main extension in the Village of Rantoul.
2. The People of the State of Illinois and the Respondent, Textron Automotive Exteriors, Inc., have reached agreement on all outstanding issues in this matter.
3. This agreement is memorialized and presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.

4. The parties, the People of the State of Illinois and Textron Automotive Exteriors, Inc., agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and request relief from such a hearing as provided pursuant to subsection 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2000).

WHEREFORE, Complainant, People of the State of Illinois, hereby respectfully requests that the Board grant this Motion for Relief from the Hearing Requirement between Textron Automotive Exteriors, Inc., and the People of the State of Illinois, as set forth in subsection 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2000).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

JAMES E. RYAN,
Attorney General
State of Illinois

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

BY: *Sally A. Carter*
SALLY A. CARTER
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 5/31/01
textronmtn/bd

JUN 05 2001

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 VILLAGE OF RANTOUL, an Illinois)
 municipal corporation, and TEXTRON)
 AUTOMOTIVE EXTERIORS, INC., a Delaware)
 corporation,)
)
 Respondents.)

PCB NO. 01-165
(Enforcement)

STIPULATION AND PROPOSAL FOR SETTLEMENT
WITH TEXTRON AUTOMOTIVE EXTERIORS

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, at the request of the Illinois Environmental Protection Agency, and Respondent, Textron Automotive Exteriors, Inc., and hereby submit this Stipulation and Proposal for Settlement. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which the Complainant would introduce if a full hearing were held. The parties agree that this Settlement is a compromise of a disputed claim. The parties further stipulate that this statement of facts is made and agreed upon for the purposes of settlement only and that neither the fact that a party has entered into the Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding except to enforce the terms hereof by the parties to this agreement. Notwithstanding the previous sentence, this Stipulation and Proposal for Settlement and any Illinois Pollution Control Board ("Board") order accepting same may be used in any future enforcement action as evidence of past adjudication of violation, as provided in Section 42(h) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(h) (2000).

The agreement shall be null and void unless the Board approves and disposes of this matter on each and every one of the terms and conditions of the Settlement set forth herein.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 *et seq.* (2000).

II.

AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Proposal for Settlement and to legally bind them to it.

III.

APPLICABILITY

This Stipulation and Proposal for Settlement shall apply to and be binding upon the Complainant and the Respondent, Textron Automotive Exteriors, Inc., and any officer, director, agent, employee or servant of Respondent, as well as the Respondent's successors and assigns. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Settlement the failure of its officers, directors, agents, servants, or employees to take such action as shall be required to comply with the provisions of this Settlement.

IV.

STATEMENT OF FACTS

1. The Illinois Environmental Protection Agency ("Illinois EPA") is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (2000), and charged, *inter alia*, with the duty of enforcing the Act.

2. Respondent, Village of Rantoul ("Rantoul" or "Village") is an Illinois municipal corporation. The Village Mayor of Rantoul is Joseph T. Brown, P.O. Box 38, Rantoul, Illinois 61866.

3. The Respondent, Textron Automotive Exteriors ("Textron") is a Delaware corporation. The registered agent for Textron is C.T. Corporation System, 208 South LaSalle Street, Chicago, Illinois 60604-1136.

4. The Village's public water supply ("PWS") serves a population of approximately 13,000 people through 3,400 direct service connections. The Village's PWS bills more than 500 residential, commercial, and industrial customers located at the Chanute Air Force Base. The Village obtains its water from eight drift wells. The water is passed through an aerator, softened with lime, clarified, treated with alum, and is then fluoridated, treated with a phosphate, filtered, chlorinated, and passed to a clear well before being discharged to the distribution system.

5. On July 2, 1999, the Illinois EPA received a construction permit application, signed by representatives of the Village and Textron for the installation of 690 feet of ten-inch water main, titled "Rantoul Products-Textron Plant 3 Addition."

6. In early July 1999, the Plant Environmental Health and Safety Coordinator for Textron contacted the Illinois EPA, inquiring as to the status of the permit application.

7. On July 14, 1999, the Illinois EPA received correspondence from the Village requesting that the Illinois EPA issue the construction permit so that the Village could complete the water main installation and close "ditches opened to reroute the water system."

8. On July 15, 1999, the Illinois EPA contacted the Village inquiring into the status of the subject water main installation. The Village informed the Illinois EPA that Textron's contractor had excavated a trench and had laid all but twenty feet of the water piping.

9. On July 16, 1999, an Illinois EPA inspector visited the site and observed an open

hole, the end of a pipe, a hydrant and determined that all but approximately thirty feet of the water main piping had been laid in the trench.

10. By completing the above-mentioned activities without a permit granted by the Illinois EPA, Textron has violated Section 18 of the Act, 415 ILCS 5/18 (2000), and Section 602.201 of the Pollution Control Board Regulations, 35 Ill. Adm. Code 602.101.

V.

COVERED MATTERS

This Consent Order covers all claims asserted in the Complainant's Complaint concerning violations of the Act, 415 ILCS 5/1 *et seq.* (2000), and the regulations promulgated thereunder.

Covered matters do not include:

- i) Claims based on the Respondent's failure to meet the requirements of this Stipulation and Proposal for Settlement;
- ii) Liability for future violation of state, local, federal, and common laws and/or regulations;
- iii) Any future liability for natural resource damage or for removal, cleanup, or remedial action as a result of a release of hazardous substances or the liability of the Respondent under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601-9675; and
- iv) The liability of the Respondent, Village of Rantoul, pertaining to this proceeding.

VI.

FUTURE PLANS OF COMPLIANCE

Respondent shall continue to diligently conform to the Act, 415 ILCS 5/1 *et seq.* (2000), and the Board's Water Pollution and Agriculture Regulations, 35 Ill. Adm. Code Subtitles C and E.

VII.

IMPACT ON THE PUBLIC RESULTING FROM NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2000), provides:

* * *

- c. 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 or 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 state as follows:

1. Complainant contends that the injury to, or interference with, the protection of the health, general welfare, and physical property of the People would be characterized as a potential for contamination of the public water supply and the degree of injury would be dependent upon the extent of the pollution and the degree of exposure to that pollution;
2. The parties agree that the Village of Rantoul's water mains are of social and economic benefit;
3. The Village of Rantoul's sanitary sewers and water mains that are the subject of this complaint have been found suitable to the area in which the mains are located by the Illinois EPA for such use in the Village of Rantoul.

4. The parties agree that complying with the Act and regulations is technically practicable and economically reasonable; and

5. Respondent implemented preventative measures subsequent to the alleged violations that are the subject of the Complaint in this matter in order to ensure the attainment of appropriate permits in the future and thus, compliance with the Act and the Board's Regulations.

VIII.

CONSIDERATION OF SECTION 42(H) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2000), provides:

* * *

- h. in determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of 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 violation;
 2. the presence or absence of due diligence on the part of the violator in attempting to comply with the requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
 3. any economic benefits accrued by the violator because of delay in compliance with requirements;
 4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and
 5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

* * *

In response to these factors, the parties state as follows:

1. Complainant contends that the Respondent constructed water mains without attaining the required construction permits from the Illinois EPA. The Complainant contends

that the construction of the water mains without the required permit occurred since at least July 1999 and continued through November 8, 1999.

2. The Complainant contends that upon discovering the non-attainment of the required construction permits, the Respondent worked diligently to comply with the Act.

3. The Complainant contends that the economic benefit accrued by the Respondent's noncompliance is the savings realized by not properly attaining the required construction permits prior to the commencement of the construction of the water main.

4. Complainant has determined, in this instance, that a penalty of fifteen thousand (\$15,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and applicable regulations.

5. There are no previously adjudicated violations of the Act by the Respondent.

IX.

TERMS OF SETTLEMENT

A. The Respondent admits the violations of Section 18 of the Act, 415 ILCS 5/18 (2000), 35 Ill. Adm. Code 602.101 as alleged in the Complaint.

B. The Respondent, Textron Automotive Exteriors, shall pay a penalty of fifteen thousand dollars (\$15,000.00) into the Illinois Environmental Protection Trust Fund within thirty (30) days from the date on which the Pollution Control Board adopts a final order approving this Stipulation and Proposal for Settlement. Payment shall be made by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Respondent's Federal Employer Identification Number ("FEIN") shall be written upon the certified check or money order. Respondent's FEIN is: 05-0471352

A copy of the payment transmittal and check shall be simultaneously submitted to:

Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

C. Respondent shall comply with Section 18 of the Act, 415 ILCS 5/18 (2000), 35 Ill. Adm. Code 602.101, and shall cease and desist from violations of any other federal, state or local environmental statutes and regulations, including the Act and the Board Rules and Regulations.

X.

RIGHT OF ENTRY

In addition to any other authority provided by law and in compliance with 35 Ill. Adm. Code 501.146, the Respondent shall allow duly authorized representatives of the Attorney General and/or the Illinois EPA entry and access to those portions of the Respondent's site covered by this Stipulation and Proposal for Settlement to inspect and investigate compliance with the terms and objectives of this Stipulation and Proposal for Settlement, including, but not limited to, collecting samples, taking photographs, reviewing and copying facility records and other documents, and inspecting equipment.

XI.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation and Proposal for Settlement in no way affects the responsibility of Respondent to comply with any federal, state, or local regulations, including but not limited to the Act, 415 ILCS 5/1 *et seq.* (2000), and the Board's Rules and Regulations, 35 Ill. Adm. Code, Subtitles A through H.

WHEREFORE, Complainant and Respondent requests that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

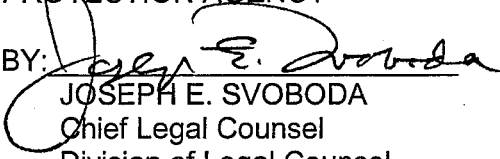
JAMES E. RYAN,
Attorney General
State of Illinois

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

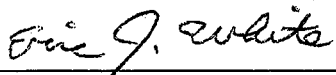
DATED: 5/18/01

BY: 
THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

DATED: 5/17/01

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
BY: 
JOSEPH E. SVOBODA
Chief Legal Counsel
Division of Legal Counsel

DATED: 5/29/01

TEXTRON AUTOMOTIVE EXTERIORS
BY: 
Senior Vice President of Operations

OK

5/24/01