

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
MORTON)
MORTON, TAZEWELL COUNTY, IL)
IL1790500)
)
)
)
)
)

RECEIVED
FEB 29 2016
IEPA/CAS

ILLINOIS EPA VN W-2015-00051
BUREAU OF WATER

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i).

II. Allegation of Violations

2. Respondent owns [and/or operates] a Public Water Supply utilizing ground water in Morton in Tazewell County, Illinois.
3. Pursuant to Violation Notice (“VN”) W-2015-00051 issued on November 18, 2015, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations [and Permit, if applicable]:
 - a) Coliform-MCL coliform bacteria was confirmed during the September 2015 monitoring period. Section 18 of the Act 415 ILCS 5/18,35 Ill. Adm. Code 611.325(a)(2).
 - b) Failure to provide adequate chlorination in all parts of the distribution system (on-going violation). Section 18 of the Act 415 ILCS 5/18, 35 Ill. Adm. Code 601.101, 611.240(g), and 653.604.

III. Compliance Activities

4. On February 2, 2016, the Illinois EPA received Respondent's response to VN W-2015-00051, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms, as well as considered whether any additional terms and conditions are necessary to attain compliance with the alleged violations cited in the VN.
5. Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in VN W-2015-00051:
 - a) The Illinois EPA acknowledges that Morton has made several improvements to address the aforementioned violations. The Main Street elevated tank was cleaned and a mixing system installed, chlorine analyzers were installed at each water treatment plant, the SCADA system has been upgraded, and a system wide water main flushing program has been implemented.
 - b) Morton shall continue weekly sampling and flushing of problem areas until flow pacing of the chlorine is established.
 - c) Submit an application for construction permits for installation of mixing systems in the elevated tanks at Detroit Street and Veterans Parkway by April 1, 2016.
 - d) Submit an application for construction permit for all remaining necessary improvements by May 1, 2016.
 - e) Complete cleaning and installation of a mixing system in the Detroit Street Elevated Tank and obtain an operating permit by June 30, 2016.
 - f) Complete cleaning and installation of a mixing system in the Veterans Parkway Elevated Tank and obtain an operating permit by July 31, 2016.
 - g) Submit a status report October 1, 2016.
 - h) On or before January 1, 2017 complete construction and obtain operating permits for any and all applicable items:
 - installation of ammonia analyzers,
 - upgrade of chlorine feed equipment for capacity and flow pacing ability,
 - verify accuracy of effluent flow meters and replace or repair as needed,
 - verify proper mixing after chemical feed points and move sampling points further downstream as needed,
 - connection of new chlorine feed equipment and analyzers to the SCADA system.
 - i) Submit a status report April 1, 2017.

- j) Submit a status report July 1, 2017.
- k) Submit a status report October 1, 2017.
- l) Once all violations are corrected, Morton must submit a certification (or a statement) of compliance. You may submit the attached "Illinois EPA Compliance Statement" or other similar writing to satisfy the statement of compliance by December 31, 2017.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, 415 ILCS 5/31(a)(10), if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Successful completion of this CCA or an amended CCA shall be a factor to be weighed, in favor of the Respondent, by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations cited in VN W-2015-00051.
7. This CCA is solely intended to address the violations alleged in Illinois EPA VN W-2015-00051. The Illinois EPA reserves and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA 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 Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act, 415 ILCS 5/3.315. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations [and Permit, if applicable].
8. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k), in addition to any other remedy or penalty that may apply, whether civil or criminal, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA.
9. This CCA shall apply to and be binding upon the Illinois EPA, and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's Public Water Supply utilizing ground water in Morton in Tazewell County, Illinois.
10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

11. This CCA shall only become effective:
- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to Illinois EPA, Bureau of Water, Andrea Rhodes, MC #19, 1021 North Grand Ave East, Springfield, IL 62702. If Respondent fails to execute and submit this CCA within 30 days of receipt, via certified mail, this CCA shall be deemed rejected by operation of law; and
 - b) Upon execution by all Parties.
12. Pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5), this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: W. David McMillan
W. David McMillan, P. G.
Manager, Division of Public Water Supplies
Bureau of Water

DATE: 3-1-16

FOR RESPONDENT:

BY: Ronald Rainson
Ronald Rainson
Official Custodian, Morton

DATE: 23 FEB 16