



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217-785-0561

June 9, 2016

CERTIFIED MAIL #7013 2630 0001 4706 7395  
RETURN RECEIPT REQUESTED

David Plyman  
P.O. Box 456  
Rochelle, IL 61068

**Re: Proposed Compliance Commitment Agreement  
Violation Notice: W-2016-00015  
ROCHELLE, IL1410500**

Dear Mr. Plyman:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the proposed Compliance Commitment Agreement ("CCA") terms submitted by Rochelle in letters dated May 9 and May 24, 2016, in response to the Violation Notice dated April 26, 2016. Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for you to attain compliance with the Act and Illinois Pollution Control Board Regulations [and conditions of Permit, if applicable].

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), **within 30 days of your receipt of this proposed CCA**, Rochelle or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA Bureau of Water, Paul Connelly, MC #19, 1021 North Grand Ave East, Springfield, IL 62702; or (2) notify the Illinois EPA by certified mail that you reject the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. Failure by you to execute and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law. Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.

In addition, the proposed CCA is not subject to amendment or modification prior to execution by you and the Illinois EPA. Any amendment or modification to the proposed CCA by Respondent prior to execution by you and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and you.

Questions regarding this matter should be directed to Illinois EPA, Bureau of Water, Paul Connelly at 217/785-0561. Written communications should be directed to Illinois EPA – DPWS, Attn: PAUL CONNELLY, MC #19, 1021 North Grand Ave East, Springfield, IL 62702.

Sincerely,

A handwritten signature in black ink, appearing to read "W. David McMillan". The signature is fluid and cursive, with a large loop at the end.

W. David McMillan  
Manager, Division of Public Water Supplies  
Bureau of Water

Attachments

cc: Adam Lanning  
Bradley A. Richolson

BOW ID: W1418050005

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF: )  
 )  
ROCHELLE )  
ROCHELLE, OGLE COUNTY, IL )  
IL1410500 )  
 )  
 ) ILLINOIS EPA VN W-2016-00015  
 ) BUREAU OF WATER  
 )

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**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 groundwater community water supply at Rochelle, Ogle County, Illinois.
3. Pursuant to Violation Notice (“VN”) W-2016-00015 issued on April 26, 2016, 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) Exceeding the Combined Radium MCL of 5 pCi/L. The current annual average at Rochelle TP10 is 6 pCi/L (on-going violation). Section 18 of the Act 415 ILCS 5/18,35 Ill. Adm. Code 611.330(a).

### III. Compliance Activities

4. On May 18 and May 27, 2016, the Illinois EPA received Respondent's response to VN W-2016-00015, 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-2016-00015:
  - a) The Illinois EPA acknowledges that the result for combined radium at TP10 for the April 1 – June 30, 2016, monitoring period was 4 pCi/L; however, as compliance with the Maximum Contaminant Level (MCL) is demonstrated with monitoring combined radium for four consecutive quarters and a Running Annual Average (RAA) less than or equal to the MCL of 5 pCi/L, and the RAA at the end of the monitoring period was 7 pCi/L, the earliest possible date of compliance with combined radium RAA at TP10 will be April 10, 2017.
  - b) However, the Illinois EPA recognizes that the City of Rochelle is keeping Well #11 (WL01537) offline until a water treatment plant can be constructed to reduce combined radium levels at TP10. If an emergency requires Well #11/TP10 to be used for distribution, the City agrees to immediately notify the IEPA Rockford Regional Office and shall issue public notice for consumers in any compliance period where the RAA exceeds the MCL.
  - c) The City of Rochelle agrees to submit a Water Supply Project Plan to the Illinois EPA by July 10, 2016, evaluating treatment options that will reduce combined radium at TP10 and maintain consistent and reliable compliance with the combined radium MCL.
  - d) By October 10, 2016, the City of Rochelle agrees to submit to the Illinois EPA the results of the water treatment pilot study for TP10. The City shall also collect and submit a sample for combined radium at TP10, which will be offline from distribution and pumped to waste, for the monitoring period July 1 - September 30, 2016.
  - e) By January 10, 2017, the City of Rochelle shall submit to the Illinois EPA an application for a construction permit to install treatment at TP10 with completed plans and specifications needed to achieve and maintain compliance with the combined radium MCL. The City shall also collect and submit a sample for combined radium at TP10, which will be offline from distribution and pumped to waste, for the monitoring period October 1 – December 31, 2016.

- f) By April 10, 2017, the City of Rochelle shall submit to the Illinois EPA a sample for combined radium at TP10, which will be offline from distribution and pumped to waste, for the monitoring period January 1 - March 30, 2017. At this time, the City of Rochelle may also submit a Statement of Compliance if consistent and reliable compliance with the combined radium MCL has been demonstrated, and may put Well #11 back into service. The City agrees to continue quarterly collection of combined radium samples at TP10 for compliance, so that consistent and reliable compliance with the MCL may be demonstrated. However, if the water supply has not met compliance with the combined radium MCL by this date, it shall continue to keep the Well 11 offline but active for emergencies only, and shall submit a Progress Report regarding installation of treatment at TP10.
- g) If compliance with the combined radium MCL has not been met, the City of Rochelle shall begin construction of treatment at TP10 by July 10, 2017.
- h) The City agrees to submit a Progress Report concerning installation of treatment at TP10 by October 10, 2017 and January 10, 2018.
- i) The City of Rochelle shall complete construction of water treatment at TP10, take the proper samples, and obtain an operating permit from the Illinois EPA by February 1, 2018.
- j) The City of Rochelle shall submit quarterly combined radium and gross alpha sample results to the Illinois EPA by the close of each reporting period on April 10, July 10, and October 10, 2018, and January 10, 2019, to demonstrate a RAA that is in compliance with the MCL for combined radium (5 pCi/L) and gross alpha (15p Ci/L).
- k) Once all violations are corrected, Rochelle 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 January 10, 2019.

#### 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-2016-00015.
7. This CCA is solely intended to address the violations alleged in Illinois EPA VN W-2016-00015. 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 groundwater community water supply.
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, Paul Connelly, 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, P. G.  
Manager, Division of Public Water Supplies  
Bureau of Water

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

**FOR RESPONDENT:**

BY: \_\_\_\_\_  
David Plyman  
Official Custodian, Rochelle

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

## Illinois EPA Compliance Statement

You are required to state that you have returned to compliance with the Act and the regulations that were the subject of the violation notice (VN) (415 ILCS 5/31). The owner of the facility must acknowledge compliance and/or that all compliance commitment agreement (CCA) interim measures/events have been successfully completed and compliance has been achieved.

Please complete, sign, and return.

I \_\_\_\_\_ (*print name*), hereby certify that all violations addressed in Violation Notice (VN) number \_\_\_\_\_ have been addressed and that compliance was achieved on \_\_\_\_\_ (*date*).

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Telephone Number*

\_\_\_\_\_  
*Date*

Be sure to retain copies of this document for your files. Should you need additional notification forms, please contact this office at (217)785-0561. Return this completed form to:

Illinois Environmental Protection Agency  
Compliance Assurance Section #19  
Bureau of Water  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

*"Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Agency,.....related to or required by this Act, a regulation adopted under this Act, any federal law or regulation for which the Agency has responsibility, or any permit, term, or condition thereof, commits a Class 4 felony..." (415 ILCS 5/44(h) (8))*