

III. Compliance Activities

4. On June 7, 2018 the Illinois EPA received Respondent's response to VN W-2018-00030, 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-2018-00030:
 - a) The Illinois EPA acknowledges receipt of the City of Rochelle's Project Plan Report and Planning Application Forms for a new water treatment plant on May 17, 2018.
 - b) By July 15, 2018, after a new radium removal plant goes online at Well #11/TP10, the City of Rochelle shall take TP12 offline to be used as an emergency well only, and prior to activating TP12 for any use in the distribution system the City shall notify the IEPA Regional Office and distribute Public Notice to water customers. The City of Rochelle agrees to proceed with the planning and design of a water treatment plant at TP12 to achieve compliance with the combined radium MCL of 5 pCi/L.
 - c) By September 1, 2018, the City of Rochelle shall submit a Progress Report to the Agency regarding the planned construction of a water treatment plant at TP12.
 - d) By December 1, 2018, the City of Rochelle shall submit a Progress Report to the Agency regarding the planned construction of a water treatment plant at TP12.
 - e) By February 1, 2019, the City of Rochelle shall complete the design of a water treatment plant for TP12 and shall submit a construction permit to the Illinois EPA.
 - f) By April 1, 2019, the City of Rochelle shall submit a Progress Report to the Agency regarding the construction of a water treatment plant at TP12.
 - g) By July 1, 2019, the City of Rochelle shall begin construction of a water treatment plant at Well TP12.
 - h) By September 1, 2019, the City of Rochelle shall submit a Progress Report to the Agency regarding the construction of a water treatment plant at TP12.
 - i) By January 1, 2020, the City of Rochelle shall submit to the Illinois EPA a Progress Report to the Agency regarding construction of the water treatment plant at TP12.
 - j) By April 1, 2020, the City of Rochelle shall submit to the Illinois EPA a Progress Report to the Agency regarding construction of the water treatment plant at TP12.

- k) By July 1, 2020, the City of Rochelle will complete construction of the water treatment plant at TP12 and obtain an operating permit.
- l) The City of Rochelle shall submit samples from TP12 during four consecutive quarters to demonstrate a running annual average that is in compliance with the combined radium MCL of 5 pCi/L. Samples are due from the July 1, 2020 through September 30, 2020 collection period by October 10, 2020; samples are due from the October 1, 2020 through December 31, 2020 collection period by January 10, 2021; samples are due from the January 1, 2021 through March 31, 2021 collection period by April 10, 2021; sample are due from the April 1, 2021 through June 30, 2021 collection period by July 10, 2021.
- m) By July 10, 2021 Rochelle shall demonstrate a return to compliance with the Maximum Contaminant Level Standard of 5 pCi/L for Combined Radium.
- n) 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 July 10, 2021.

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-2018-00030.
7. This CCA is solely intended to address the violations alleged in Illinois EPA VN W-2018-00030. 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 at Rochelle, Ogle 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, 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: _____
Mary F. Reed
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

DATE: _____

FOR RESPONDENT:

BY: _____
Jeff Fiegenschuh
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*).

PWS ID Number

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))