



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/785-0561

February 6, 2023

CERTIFIED MAIL # 7021 2720 0000 2345 0878
RETURN RECEIPT REQUESTED

Pontiac Correctional Center
c/o Mindi Nurse
700 West Lincoln St.
Pontiac, IL 61764

Re: Violation Notice: PONTIAC CORRECTIONAL CENTER
Facility No.: IL1055500
Violation Notice No.: W-2023-00008

Dear Mindi Nurse:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this notice. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the facility wishes to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If the facility wishes to enter into a CCA, the written response must also include proposed terms for the CCA that includes dates for achieving each commitment and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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IL1055500 PONTIAC CORRECTIONAL CENTER
VN W-2023-00008

The Illinois EPA will review the proposed terms for a CCA provided by the facility and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the facility must respond in writing by either agreeing to and signing the proposed CCA or by notifying the Illinois EPA that the facility rejects the terms of the proposed CCA.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to a prosecutorial authority.

Written communications should be directed to:

Illinois EPA – Division of Public Water Supplies
Attn: Adam J. Nutt, CAS #19
P.O. BOX 19276
Springfield, IL 62794-9276

All communications must include reference to this Violation Notice number, W-2023-00008.

Questions regarding this Violation Notice should be directed to Adam J. Nutt at 217/785-0561.

Sincerely,



Joey Logan-Pugh
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

Attachments

cc: Richard B. Gramley
Jared Brunk
Rodney Thacker

BOW ID: W105060002

ATTACHMENT A**PONTIAC CORRECTIONAL CENTER, IL1055500 VIOLATION NOTICE NO. W-2023-00008:**

Questions regarding the violations identified in this attachment should be referred to Adam J. Nutt at (217) 785-0561.

A review of information available to the Illinois EPA indicates the following violations of statutes, regulations, or permits. Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation including an estimated time period for resolution.

Water Treatment Plant/Distribution System Maintenance

There are structure/maintenance problems that threaten the quality of the drinking water provided to customers.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	Failure to Remove all chemical storage for the retired sodium silicate / sodium hypochlorite system and ensure that the remaining injection port is adequately sealed to ensure the sanitary integrity of the finished water line.

Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a) and 604.135(a).
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<u>Violation Date</u>	<u>Violation Description</u>
8/09/2022	Failure to develop and maintain a systematic flushing program. (on-going violation)

Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a) and 604.1425(c).
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<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	Inadequate booster pump capacity. Each booster pumping station must contain no fewer than two pumps with capacities such that maximum demand can be satisfied with the largest pump out of service.

Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a) and 604.1215(a).
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ATTACHMENT A**PONTIAC CORRECTIONAL CENTER, IL1055500 VIOLATION NOTICE NO. W-2023-00008:****Drinking Water Monthly Operating Reports**

All public water supplies are required to submit reports summarizing daily operational activities to the Regional Illinois EPA office each month. Compliance with this is expected within 30 days by submission of the required reports.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	Failure to submit Monthly Operating Reports within 30 days of the last day of each month. These reports must be prepared on an operating report form approved by the Agency, must be signed by the Responsible Operator in Charge, and submitted within 30 days of the end of the month. A copy of the operating report records must be maintained by the official custodian of the public water supply.
Rule/Reg.	Section 18(a) and 19 of the Act, 415 ILCS 5/18 and 5/19, and 35 Ill. Adm. Code 601.101(a) and 604.165(a), (c), and (d).

Nitrification Action Plan

Any community water supply distributing water without a free chlorine residual must create a Nitrification Action Plan (NAP). The NAP must:

- a. Contain a plan for monitoring total ammonia as nitrogen (N), free ammonia as N, nitrite as N, nitrate as N, monochloramine residual, dichloramine residual, and total chlorine residual.
- b. Contain system specific levels of the chemicals in listed in A when action must be taken.
- c. Contain specific correction actions to be taken if the levels listed in B are exceeded.
- d. Be maintained on site and made available to the Agency upon request.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	No Nitrification Action Plan has been created for the distribution system. A NAP for the distribution system must be created.
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a) and 604.140.

ATTACHMENT A

PONTIAC CORRECTIONAL CENTER, IL1055500 VIOLATION NOTICE NO. W-2023-00008:**Drinking Water Cross-Connection Control Program**

All public water supplies must have an active cross-connection control program. It is not possible for the Agency to evaluate whether a water system's cross-connection control program is comprehensive without the ability to evaluate an ordinance or service agreement. Compliance is expected to be achieved by submitting your water supply's cross-connection control ordinance or water use agreement within 90 days to the Illinois EPA. Additionally, provide an implementation schedule including when your water system will conduct its cross-connection survey of the distribution system; how your water system will evaluate high risk service connections; and how your water system will track cross connection control devices and their annual inspection.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	Failure to have a comprehensive cross-connection control program. (on-going violation)
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a) and 604.1505(a) and (b).

Drinking Water Cross-Connection Program Device Inventory

A community water supply must maintain records of all backflow preventers that require annual testing. To achieve compliance, an inventory of all backflow prevention devices in the system must be created, and documentation submitted to the Illinois EPA within 90 days.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	Failure to maintain records of all backflow preventers that require annual testing.
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a) and 604.1505(b) (5).

Drinking Water Cross-Connection Device Testing

A community water supply must assure all backflow preventers are tested at least annually. To achieve compliance, each backflow prevention device must be tested, and documentation submitted to the Illinois EPA within 90 days.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	Failure to perform annual testing of all backflow prevention devices in the system. (on-going violation)
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a) and 604.1510(a).

ATTACHMENT A

PONTIAC CORRECTIONAL CENTER, IL1055500 VIOLATION NOTICE NO. W-2023-00008:

Emergency Operation Plan

Each community water supply must develop an EOP for the provision of water during emergency circumstances including earthquakes, floods, tornados, and other disasters. The EOP must include a review of methods and means by which alternative supplies of drinking water could be provided in the event of destruction, impairment, or contamination of the community water supply. The community water supply must review its emergency operations plan at least every three years and revise the plan as necessary. The plan must be maintained on site and made available to the Agency, upon request.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	At the time of inspection, there was no Emergency Operations Plan (EOP) available for review.
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 604.135(d).

Drinking Water Monitoring Site Plan Requirements

All public water supplies (PWSs) must achieve and maintain compliance with the monitoring and reporting requirements of the Environmental Protection Act. Your supply did not submit required written sample site plans. This written plan must be representative of the water throughout the distribution system and be approved by special exception permit. Compliance with this is expected to be achieved within 30 days by submitting the required written sample site plans to the Illinois EPA.

<u>Violation Date</u>	<u>Violation Description</u>
8/09/2022	Failure to submit, for Agency approval, a written sample siting plan for coliform that identifies sampling sites representative of water throughout the distribution system. (on-going violation)
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 611.1053(a)(1).
8/09/2022	Failure to submit, for Agency approval, a written sample siting plan for lead and copper that identifies sampling sites representative of water throughout the distribution system. (on-going violation)
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 611.356(a).
8/09/2022	Failure to submit, for Agency approval, a written sample siting plan for disinfection by-product samples. (on-going violation)
Rule/Reg.	Section 18 of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 611.972(a).

ATTACHMENT A

PONTIAC CORRECTIONAL CENTER, IL1055500 VIOLATION NOTICE NO. W-2023-00008:

Drinking Water Monitoring

All Public Water Supplies (PWSs) must achieve and maintain compliance with the monitoring and reporting requirements of the Environmental Protection Act. Your supply did not submit required sample results from a certified laboratory. Sample results are due to the Illinois EPA by the 10th of the month following the monitoring period. **Compliance with these monitoring and reporting requirements is expected to be achieved within the next monitoring period by submitting sample results for each monitoring program in accordance with your supply's sample site plans.**

<u>Violation Date</u>	<u>Violation Description</u>
8/09/2022 Rule/Reg.	Failure to collect samples and submit coliform sample results. Sections 18 and 19 of the Act, 415 ILCS 5/18 and 5/19, and 35 Ill. Adm. Code 611.1053(a)(2) and (3).
8/09/2022 Rule/Reg.	Failure to collect samples and submit disinfectant residual sample results. Sections 18 and 19 of the Act, 415 ILCS 5/18 and 5/19, and 35 Ill. Adm. Code 611.382(a) and (c).
8/09/2022 Rule/Reg.	Failure to collect samples and submit lead and copper sample results. Sections 18 and 19 of the Act, 415 ILCS 5/18 and 5/19, and 35 Ill. Adm. Code 611.350(h) and 611.356(c).
8/09/2022 Rule/Reg.	Failure to collect samples and submit disinfectants and disinfection by-products (DBPs) sample results. Sections 18 and 19 of the Act, 415 ILCS 5/18 and 5/19, and 35 Ill. Adm. Code 611.971(a).

Notification of Ownership or Responsible Operational Personnel

Every community public water supply (PWS) is required to submit a statement of ownership to the Illinois EPA identifying an Owner, Official Custodian, Administrative Contact, Responsible Operator in Charge (ROINC), and Sample Bottle Collector. Compliance with this is expected within 30 days by determining the ownership or responsible personnel and submitting the appropriate form.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022 Rule/Reg	Lack of "Notification of Responsible Operational Personnel" form on file with the Illinois EPA identifying a Responsible Operator in Charge (ROINC). Section 18(a) of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 603.103(e).

ATTACHMENT A

PONTIAC CORRECTIONAL CENTER, IL1055500 VIOLATION NOTICE NO. W-2023-00008:

Responsible/Certified Operator

Every community public water supply (PWS) is required to employ on its operational staff at least one person certified as competent as a water supply operator. Compliance with this is expected within 15 days by obtaining a certified operator and submitting the "Notification of Ownership and Responsible Operational Personnel" form.

<u>Violation Date</u>	<u>Violation Description</u>
08/09/2022	Operations of a Class B Water system without a properly certified drinking water operator. An operator with a valid Class B Certification or higher is required.
Rule/Reg	Section 18(a) of the Act, 415 ILCS 5/18, and 35 Ill. Adm. Code 601.101(a), 603.101(d), 603.103(a) and (b), and 681.215(a) and (b).



Illinois Environmental Protection Agency

Notification of Responsible Operational Personnel

Please use this form to make community water supply (CWS) contact changes.

CWS Name: _____ Number : IL _____

REASON FOR CHANGE (check all applicable boxes)

<input type="checkbox"/>	Change in Owner and/or Official Custodian Information	<input type="checkbox"/>	Change in Administrative Contact Information	<input type="checkbox"/>	Change of Sample Collector Information
<input type="checkbox"/>	Change in Responsible Operator in Charge Information	<input type="checkbox"/>	Updating phone, mailing address, and/or E-Mail information only	<input type="checkbox"/>	This is a NEW CWS

OWNER (OW) If the CWS is privately owned, identify the **individual** (and contact information) exercising direct supervision over the CWS in accordance with 35 Ill. Adm. Code 603.101 (e.g., Mobile Home Park, Apartment Complex, or Private Business, etc.). This individual must sign.

If the CWS is publically owned or owned by private corporation, or regularly organized body, identify the entity exercising direct supervision over the CWS in accordance with 35 Ill. Adm. Code 603.101 (e.g., Municipality, Water District, Water Corporation, Water Cooperative, Conservancy District, Subdivision, or Association). If an entity, **only complete Entity Name, Business #, and Address** (no signature required) and then complete OFFICIAL CUSTODIAN (OC) box.

Name (Individual) <u>or</u> Entity Name (Municipality, Water District, Assoc., etc.)		Business Address
Title: (if applicable) _____		_____
Cell#: () _____	Business#: () _____	_____
Home#: () _____	Fax#: () _____	_____
E-Mail: _____		_____
If Individual, Signature: _____ (Signature of Individual)		Date: _____

OFFICIAL CUSTODIAN (OC) If the owner is an Entity as listed above (Municipality, Water District, Water Corporation, Water Cooperative, Conservancy District, Subdivision or Association, etc.) identify a person who acts on behalf and is responsible for the supply. This person should be an elected official of a municipality, member of the board, or an officer of the organization that runs the supply (mayor, president, chairman, etc.).

Name: (print) _____		Business Address
Title (if applicable) _____		_____
Cell # () _____	Business#: () _____	_____
Home# () _____	Fax#: () _____	_____
E-Mail: _____		_____
Signature: _____ (Signature of Official Custodian)		Date: _____

ADMINISTRATIVE CONTACT (AC) An owner or official custodian may designate an administrative contact to oversee daily managerial operations of the CWS. Any notice provided by the Agency to the AC shall be considered notice to the owner or official custodian. These notices may include, but are not limited to Sample Demand Letters, Public Notice Advisories, Violation Notice, Notice of Intent to Pursue Legal Action, and notices of regulatory requirements and permitting transactions.

Name: (print) _____		Business Address
Title: _____		_____
Cell#: () _____	Work#: () _____	_____
Home#: () _____	Fax#: () _____	_____
E-Mail: _____		_____
Signature: _____ (Signature of AC)		Date: _____

Signature of the Owner or Official Custodian is required before Illinois EPA will add or change an AC contact:

I hereby duly authorize _____ (print) as my Agent, with actual authority to conduct legal transactions arising from the daily managerial operations of the CWS on my behalf.

Signature: _____ (Signature of Owner or Official Custodian)	Date: _____
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Illinois Environmental Protection Agency

RESPONSIBLE OPERATOR IN CHARGE (ROINC) Identify the certified operator(s) designated pursuant to 35 Ill. Adm. Code 603.103 in responsible charge of the CWS operations. The ROINC runs and oversees daily water treatment and distribution operations. A CWS must select only one designated ROINC for treatment and one designated ROINC for distribution. The treatment ROINC and distribution ROINC may be the same person.

Current ROINC on File: _____ (print name)
 Please check box that best describes status of current ROINC on File

Current ROINC on file will no longer be employed or under contract with PWS effective
 Current ROINC on file is still working with PWS but will no longer serving as ROINC.

NEW ROINC 1 Please Check One: Full Time Employee or Contract Operator (include copy of contract)

Name: (print) _____ **Business Address** _____
 Circle Certificate Class: A B C D _____
 Circle One: Treatment & Distribution Treatment Only Distribution Only
 Cell#: () _____ Work#: () _____
 Home#: () _____ Fax#: () _____
 E-Mail: _____
 Signature: _____ Date: _____
 (Signature of ROINC 1)

NEW ROINC 2 Please Check One: Full Time Employee or Contract Operator (include copy of contract)

Name: (print) _____ **Business Address** _____
 Circle Certificate Class: A B C D _____ Circle One: Distribution Only
 Cell#: () _____ Work#: () _____
 Home#: () _____ Fax#: () _____
 E-Mail: _____
 Signature: _____ Date: _____
 (Signature of ROINC 2)

Signature of Owner, Official Custodian, or Administrative Contact is required before Illinois EPA will add or change a ROINC contact(s).
 As Owner/Official Custodian or Administrative Contact, I _____ (print name), accept and assign the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by the operator(s) listed above as being in responsible charge.
 Signature: _____ Date: _____
 (Signature of Owner/Official Custodian or Administrative Contact)

Sample Collector/Bottle Recipient Identify the person employed by the CWS that will collect samples and complete the paperwork associated with sampling.

Name: _____ (print) **Bottle Mailing Address**
No P.O. Box Numbers Allowed
 Cell#: () _____ Work#: () _____
 Home#: () _____ Fax#: () _____
 E-Mail: _____
 Signature: _____ Date: _____
 (Sample Collector's Signature)

Completion of this form shall indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both the owner or official custodian and the certified operators designated as being in responsible charge pursuant to 35 Ill. Adm. Code 603.101(d). Please be advised that it is the responsibility of the owner, official custodian and the certified operator(s) in responsible charge to notify this office within 15 days of any changes in responsible personnel. Completion and submittal of this form will satisfy the notification of responsible personnel requirements of Title 35: Environmental Protection, Subtitle F: Public Water Supplies, Chapter I: Pollution Control Board, Part 603, Sections 603.101, 603.102, and 603.103.

Be sure to retain copies of this document for your files. Should you need additional forms, please call (217)785-0561 or download at <http://www.epa.state.il.us/water/operator-cert/drinking-water/forms/notification-of-ownership.pdf>. Return this completed form to:

Illinois Environmental Protection Agency, Bureau of Water #19, 1021 North Grand Ave East, P.O. Box 19276, Springfield, IL 62794-9276

This Agency is authorized to require this information under 415 ILCS 5/4(b)(2012). Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$1,000.00. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))



Illinois Environmental Protection Agency

RESPONSIBLE OPERATOR IN CHARGE (ROINC) Identify the certified operator(s) designated pursuant to 35 Ill. Adm. Code 603.103 in responsible charge of the CWS operations. The ROINC runs and oversees daily water treatment and distribution operations. A CWS must select only one designated ROINC for treatment and one designated ROINC for distribution. The treatment ROINC and distribution ROINC may be the same person.

Current ROINC on File: _____ (print name)

Please check box that best describes status of current ROINC on File

Current ROINC on file will no longer be employed or under contract with PWS effective

Current ROINC on file is still working with PWS but will no longer serving as ROINC.

NEW ROINC 1 Please Check One: Full Time Employee or Contract Operator (include copy of contract)

Name: (print) _____ Business Address _____

Circle Certificate Class: A B C D

Circle One: Treatment & Distribution Treatment Only Distribution Only

Cell#: () _____ Work#: () _____

Home#: () _____ Fax#: () _____

E-Mail: _____

Signature: _____ Date: _____

(Signature of ROINC 1)

NEW ROINC 2 Please Check One: Full Time Employee or Contract Operator (include copy of contract)

Name: (print) _____ Business Address _____

Circle Certificate Class: A B C D Circle One: Distribution Only

Cell#: () _____ Work#: () _____

Home#: () _____ Fax#: () _____

E-Mail: _____

Signature: _____ Date: _____

(Signature of ROINC 2)

Signature of Owner, Official Custodian, or Administrative Contact is required before Illinois EPA will add or change a ROINC contact(s).

As Owner/Official Custodian or Administrative Contact, I _____ (print name), accept and assign the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by the operator(s) listed above as being in responsible charge.

Signature: _____ Date: _____

(Signature of Owner/Official Custodian or Administrative Contact)

Sample Collector/Bottle Recipient Identify the person employed by the CWS that will collect samples and complete the paperwork associated with sampling.

Name: _____ (print)

Bottle Mailing Address

No P.O.Box Numbers Allowed

Cell#: () _____ Work#: () _____

Home#: () _____ Fax#: () _____

E-Mail: _____

Signature: _____ Date: _____

(Sample Collector's Signature)

Completion of this form shall indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both the owner or official custodian and the certified operators designated as being in responsible charge pursuant to 35 Ill. Adm. Code 603.101(d). Please be advised that it is the responsibility of the owner, official custodian and the certified operator(s) in responsible charge to notify this office within 15 days of any changes in responsible personnel. Completion and submittal of this form will satisfy the notification of responsible personnel requirements of Title 35: Environmental Protection, Subtitle F: Public Water Supplies, Chapter I: Pollution Control Board, Part 603, Sections 603.101, 603.102, and 603.103.

Be sure to retain copies of this document for your files. Should you need additional forms, please call (217)785-0561 or download at <http://www.epa.state.il.us/water/operator-cert/drinking-water/forms/notification-of-ownership.pdf>. Return this completed form to:

Illinois Environmental Protection Agency, Bureau of Water #19, 1021 North Grand Ave East, P.O. Box 19276, Springfield, IL 62794-9276

This Agency is authorized to require this information under 415 ILCS 5/4(b)(2012). Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$1,000.00. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))