

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 PRAEDIUM DEVELOPMENT)
 CORPORATION, an Illinois corporation,)
 and PLAZA EXCAVATING, INC., an)
 Illinois corporation,)
)
 Respondents.)

PCB No.
(Enforcement -Water)

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

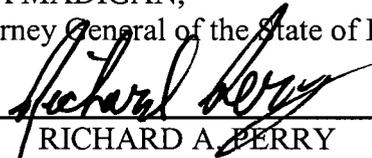
PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Pollution Control Board the following Complaint, a copy of which is attached and hereby served on you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office or an attorney.

NOTIFICATION

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental facilities financing act [20 ILCS 3515/1 et seq.] to correct the alleged pollution.

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General of the State of Illinois

By: 
 RICHARD A. PERRY
 Assistant Attorney General
 Environmental Bureau
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SERVICE LIST

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondents, PRAEDIUM DEVELOPMENT CORPORATION, an Illinois corporation, and PLAZA EXCAVATING, INC., an Illinois corporation, as follows:

COUNT I
WATER POLLUTION

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency (the “Illinois EPA”), pursuant to Section 31 of the Illinois Environmental Protection Act (the “Act”), 415 ILCS 5/31 (2006).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2006), and charged, *inter alia*, with the duty of enforcing the Act. The Illinois EPA is further charged with the duty to

abate violations of the National Pollutant Discharge Elimination System ("NPDES") permit program under the federal Clean Water Act ("CWA"), 33 U.S.C. § 1342(b)(7).

3. At all times relevant to this Complaint, Respondent Praedium Development Corporation ("Praedium") was and is an Illinois corporation in good standing with the State of Illinois.

4. At all times relevant to this Complaint, Respondent Plaza Excavating, Inc. ("Plaza Excavating") was and is an Illinois corporation in good standing with the State of Illinois.

5. At all times relevant to this Complaint, Praedium owned and developed the "Town Center Promenade," an area of land approximately ten acres located at the northwest corner of the intersection of Long Grove Road and Route 12 ("Rand Road") in Deer Park, Lake County, Illinois (the "Site").

6. Praedium hired Plaza Excavating as its construction contractor. Plaza Excavating was under contract with Praedium to install a sanitary sewer (the "Sanitary Sewer"), a water main, and to prepare a stormwater pollution prevention plan ("SWPPP") at the Site.

7. The Site is bordered along the east by wetlands (the "Wetlands") that are part of the Buffalo Creek watershed. The Site is also bordered along the north by an unnamed tributary to Buffalo Creek (the "Tributary") that flows east near the Wetlands.

8. Stormwater runoff from the Site flows into the Tributary.

9. Stormwater runoff from the Site also flows into the Wetlands, which drain into the Tributary.

10. On October 26, 2006, the Illinois EPA sent violation notices to the Respondents alleging the violations of the Act described herein, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2006). The Illinois EPA met with representatives of the Respondents on December 19, 2006. On February 8, 2007, the Illinois EPA sent notices to the Respondents rejecting their proposed compliance commitment agreements. On August 17, 2007, the Illinois EPA sent notices of intent to pursue legal action ("NIPLA") to the Respondents. On September 13, 2007, a meeting was held with Praedium pursuant to the NIPLA letter.

11. The Site contains one (1) stormwater basin that is located in the southeast portion of the Site (the "Basin"). The Basin was unstabilized, and surrounded by exposed soil (i.e. soil not protected by vegetation or other stabilizing devices).

12. On July 20, 2006, and on other dates better known to the Respondents, sediment-laden water discharged from the Basin. This stormwater discharge was a light chocolate brown color. The sediment-laden stormwater flowed from the Basin to a culvert ("Culvert 1") that ran under Rand Road and into the Wetlands. The sediment-laden stormwater flowed into the Wetlands, and from the Wetlands into the Tributary. On July 20, 2006, and on other dates better known to the Respondents, the sediment-laden discharge from the Basin caused unnatural turbidity and color in the Wetlands.

13. On August 24, 2006, and on other dates better known to the Respondents, the Basin discharged stormwater into a second underground culvert that had been installed on the Site ("Culvert 2"). Culvert 2 ran from the Basin under Rand Road and into the Wetlands. The water leaving the Basin through Culvert 2 was tan in color.

14. On September 11, 2006, and on other dates better known to the Respondents, a bentonite slurry was left on the ground near the Basin, and was being carried by stormwater into the Basin.

15. On September 11, 2006, and on other dates better known to the Respondents, sediment and solids from the bentonite slurry discharged from the Basin into the Wetlands.

16. At all times relevant to this complaint, an unstabilized 300-foot trench was located on the Site near the northern perimeter next to Rand Road ("Culvert 3"). Culvert 3 was unstabilized and surrounded by exposed soil, and did not discharge into a detention basin. On July 20, 2006, and on other dates better known to the Respondents, sediment-laden stormwater flowed sixty-feet (60) through Culvert 3 before entering a manhole, which conveyed the stormwater directly to the Tributary. The stormwater flowing through Culvert 3 and into the Tributary was tan in color.

17. On August 24, 2006, and on other dates better known to the Respondents, stormwater discharging through Culvert 3 and into the Tributary was dark brown in color.

18. On July 20, 2006, August 24, 2006, and on other dates better known to the Respondents, the sediment-laden stormwater discharge from Culvert 3 caused unnatural color and turbidity of the Tributary.

19. Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2006), provides as follows:

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

21. Respondent, Praedium, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2006).

22. Respondent, Plaza Excavating, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2006).

23. Section 3.165 of the Act, 415 ILCS 5/3.165 (2006), provides as follows:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

24. Slurry, soil, sediment, and stormwater runoff are “contaminants” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2006).

25. Section 3.550 of the Act, 415 ILCS 5/3.550 (2006), provides as follows:

“Waters” means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

26. The Tributary and the Wetlands are “waters” of the State of Illinois as defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2006).

27. Section 3.545 of the Act, 415 ILCS 5/3.545 (2006), provides as follows:

“Water Pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

28. By failing to install adequate stormwater runoff control measures at the Site, the Respondents caused and/or allowed sediment-laden stormwater runoff from their activities at the Site to flow into the Tributary and the Wetlands. Such sediment-laden stormwater altered, or would tend to alter the physical or biological properties of the Tributary and the Wetlands in such a manner that the alteration would, or likely would, create a nuisance; or in such a manner that the alteration would, or likely would, render the Tributary and the Wetlands harmful, detrimental or injurious to public welfare; or to domestic, recreational, or other legitimate uses; or to wild animals, birds, fish, and other aquatic life. The Respondents therefore caused or allowed the discharge of contaminants so as to cause or tend to cause water pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2006).

WHEREFORE, the Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, Praedium and Plaza Excavating, on this Count I:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer to the allegations herein;
2. Finding that the Respondents have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006);
3. Ordering the Respondents to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2006);
4. Assessing against each of the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional penalty

of Ten Thousand Dollars (\$10,000.00) against each of the Respondents for each day of violation;

5. Ordering the Respondents pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT II
OFFENSIVE CONDITIONS

1.-26. The Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count I as paragraphs 1 through 26 of this Count II.

27. The Respondents' discharges at the Site are subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board (the "Board") pursuant to the Act. The Board's regulations for water pollution are found in Title 35, Subtitle C, Chapter I of the Illinois Administrative Code ("Board Water Pollution Regulations").

28. Part 302, Subpart B, of the Board Water Pollution Regulations, 35 Ill. Adm. Code Part 302, Subpart B, establishes general use water quality standards for non-specified waters of the State of Illinois.

29. Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, provides, in pertinent part, as follows:

Offensive Conditions

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin. . . .

30. By causing, threatening, or allowing the discharge of stormwater runoff into the Tributary and the Wetlands that caused an unnatural color and turbidity in the Tributary and the Wetlands, the Respondents caused a violation of Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby also violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, Praedium and Plaza Excavating, on this Count II:

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

2. Finding that the Respondents have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), and Section 302.203 the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203;

3. Ordering the Respondents to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203;

4. Assessing against each of the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and the Board Water Pollution Regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) against each of the Respondents for each day of violation;

5. Ordering the Respondents pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT III
WATER POLLUTION HAZARD

1.-27. The Complainant realleges and incorporates by reference herein paragraphs 1 through 27 of Count I as paragraphs 1 through 27 of this Count III.

28. Section 12(d) of the Act, 415 ILCS 5/12(d) (2006), provides as follows:

No person shall:

- (d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

29. By grading the soil at the Site without providing adequate storm water pollution controls, as described above, the Respondents deposited contaminants at the Site that were likely to be carried by stormwater runoff into the Tributary and the Wetlands, thereby creating a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, Praedium and Plaza Excavating, on this Count III:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
2. Finding that the Respondents have violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2006);
3. Ordering the Respondents to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2006);

4. Assessing against each of the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) against each of the Respondents for each day of violation;

5. Ordering the Respondents pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV

NPDES PERMIT VIOLATIONS AS TO RESPONDENT PRAEDIUM

1.-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count I as paragraphs 1 through 26 of this Count IV.

27. Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), provides in pertinent part, as follows:

No person shall:

* * * *

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program. . . .

28. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

NPDES Permit Required

- a) Except as in compliance with the provision of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

29. The United States Environmental Protection Agency has delegated the authority to administer the NPDES program to the State of Illinois. The State of Illinois issues NPDES permits through the Illinois EPA. The State of Illinois' authority to issue NPDES permits includes issuing permits for the discharge of stormwater. Stormwater discharges are regulated by 40 CFR § 122.26, which requires a person to obtain a NPDES permit and to implement a stormwater pollution prevention plan ("SWPPP") before discharging stormwater in the course of engaging in certain construction activities.

30. In pertinent part, 40 CFR § 122.26(a) provides as follows:

(a) Permit Requirement.

- (1) Prior to October 1, 1994, discharges composed entirely of stormwater shall not be required to obtain a NPDES permit except:

* * * *

- (ii) A discharge associated with industrial activity. . . .

31. In pertinent part, 40 CFR § 122.26(b) provides as follows:

(b) Definitions.

* * * *

- (14) Stormwater discharge associated with industrial activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. . . . The following categories of facilities are

considered to be engaging in "industrial activity" for purposes of paragraph (b)(14):

* * * * *

(x) Construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. . . .

32. Since the Respondent, Praedium, has engaged in construction activity at the Site in which grading has disturbed more than five acres of total land area, the Respondent's activities at the Site are an "industrial activity" within the definition of 40 CFR § 122.26(b), and the stormwater discharges from the Site are "discharge[s] associated with industrial activity" as that phrase is defined in 40 CFR § 122.26(a).

33. In Illinois, stormwater discharges from construction sites are governed by a general permit that allows such discharges, provided that certain conditions are met. The Illinois EPA issued this general stormwater permit as the "General NPDES Permit No. ILR10" or "General NPDES Permit For Storm Water Discharges From Construction Site Activities," on March 6, 2006 (the "General Stormwater Permit").

34. On March 6, 2006, the Illinois EPA issued to Praedium a Notice of Coverage, determining that Praedium's activities at the Site were covered by the General Stormwater Permit. At all times relevant to this Complaint, the construction activities at the Site were governed by the General Stormwater Permit.

35. Part VI.A. of the General Stormwater Permit provides as follows:

The permittee must comply with all conditions of this permit.

36. Part IV. of the General Stormwater Permit provides as follows:

A stormwater pollution prevention plan shall be developed for each construction site covered by the permit. . . . Facilities must implement the

provisions of the stormwater pollution prevention plan required under this part as a condition of this permit.

37. Respondent Praedium's SWPPP requires that water from the Basin discharge through a restrictor and box culvert. On August 24, 2006, September 11, 2006, and on other dates better known to the Respondent, water discharged from the Basin through Culvert 2, and did not discharge through a restrictor and box culvert.

38. By allowing stormwater from the Basin to discharge in a manner other than as provided in the SWPPP, Respondent Praedium violated their SWPPP. By violating its SWPPP, the Respondent violated Part IV. of the General Stormwater Permit, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, Praedium, on this Count IV:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Part IV. of the General Stormwater Permit, Section 12(f) of the Act, 415 ILCS 5/12(f)(2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
3. Ordering the Respondent to cease and desist from any further violations of Part IV. of the General Stormwater Permit, Section 12(f) of the Act, 415 ILCS 5/12(f)(2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

4. Assessing against the Respondent pursuant to Section 42(b)(1) of the Act, a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT V
CONSTRUCTING WITHOUT A PERMIT

1.-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count I as paragraphs 1 through 26 of this Count V.

27. After September 11, 2006, and prior to October 13, 2006, on a date or dates better known to the Respondents, the Respondents caused and/or allowed the construction and/or installation of the Sanitary Sewer at the Site.

28. At no point during or prior to the installation and/or construction of the Sanitary Sewer did the Respondents possess a permit from the Illinois EPA allowing the installation or construction of the Sanitary Sewer.

29. The Sanitary Sewer is equipment or a facility that is capable of causing or contributing to water pollution.

30. Section 21(b) of the Act, 415 ILCS 5/12(b) (2006), provides, in pertinent part, as follows:

No person shall:

- (b) Construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, or any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

* * * * *

31. Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 309.202(a), provides as follows:

Except for treatment works or wastewater sources which have or will have discharges for which NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

a) No person shall cause or allow the construction of any new treatment works, sewer or wastewater source or cause or allow the modification of any existing treatment works, sewer or wastewater source without a construction permit issued by the Agency, except as provided in paragraph (b).

32. Section 301.265 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 301.265, provides as follows:

“Construction” means commencement of on-site fabrication, erection, or installation of a treatment works, sewer, or wastewater source; or the reinstallation at a new site of any existing treatment works, sewer, or wastewater source.

33. Section 301.390 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 301.390, provides as follows:

“Sewer” means a stationary means of transport or stationary system of transport, excluding natural waterways, constructed and operated for the purpose of collecting and transporting wastewater or land runoff, or both.

34. The Respondents’ installation of the Sanitary Sewer constitutes

“construction” as the term is defined in Section 301.390 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.390.

35. The Sanitary Sewer is a stationary system of collecting and transporting wastewater, and is therefore a “sewer” as that term is defined in Section 301.390 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.390.

36. By constructing the Sanitary Sewer without a permit from the Illinois EPA, the Respondents violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2006), and Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondents, Praedium and Plaza Excavating, on this Count V:

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

2. Finding that the Respondents have violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2006), and Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a);

3. Ordering the Respondents to cease and desist from any further violations of Section 12(b) of the Act, 415 ILCS 5/12(b) (2006), and Section 309.202(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a);

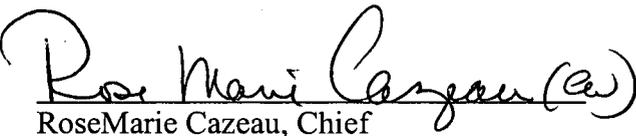
4. Assessing against each of the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and the Board Water Pollution Regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) against each of the Respondents for each day of violation;

5. Ordering the Respondents pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), to pay all costs expended by the State in its pursuit of this action, including attorney, expert witness, and consultant fees; and

6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN,
Attorney General of the State of Illinois,

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

By: 
RoseMarie Cazeau, Chief
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CERTIFICATE OF SERVICE

I, RICHARD A. PERRY, an Assistant Attorney General, do certify that I caused to be mailed this 8th day of July, 2008, the foregoing Complaint and Notice of Filing upon the persons listed on said notice, by certified mail.



RICHARD A. PERRY
Assistant Attorney General
Environmental Bureau
69 West Washington, 18th Floor
Chicago, IL 60602
312-814-2069