

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|                                   |   |                       |
|-----------------------------------|---|-----------------------|
| PEOPLE OF THE STATE OF ILLINOIS,  | ) |                       |
| by KWAME RAOUL, Attorney          | ) |                       |
| General of the State of Illinois, | ) |                       |
|                                   | ) |                       |
| Complainant,                      | ) |                       |
|                                   | ) |                       |
| v.                                | ) | PCB No.               |
|                                   | ) | (Enforcement - Water) |
| TTS Granite, Inc.,                | ) |                       |
| an Illinois corporation,          | ) |                       |
|                                   | ) |                       |
| Respondent.                       | ) |                       |

**NOTICE OF FILING**

TO: Persons on Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Complaint, a true and correct copy of which is attached hereto and hereby served upon you. You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.

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.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
KWAME RAOUL, Attorney General of the State of  
Illinois

By: /s/ Christina H. Scanlon  
Christina H. Scanlon  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
115 S. LaSalle Street, 23<sup>rd</sup> Floor  
Chicago, Illinois 60603  
(217) 843-0332  
email: christina.scanlon@ilag.gov

Date: September 9, 2026

**Service List**

**TTS Granite Inc.**

c/o Joseph N. Nicolazzi, Registered Agent  
3225 Louis Sherman Drive  
Steger, IL 60475-1185

**CERTIFICATE OF SERVICE**

I, Christina H. Scanlon, an Assistant Attorney General, certify that on the 9th day of September, 2026, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List by certified mail with return receipt by placing envelope with United States Post Office at 115 S. LaSalle Street, Chicago, Illinois, 60603.

/s/ Christina H. Scanlon

Christina H. Scanlon

Assistant Attorneys General

Environmental Bureau

Illinois Attorney General's Office

115 S. LaSalle Street, 23<sup>rd</sup> Floor

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**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), complains of Respondent, TTS GRANITE, INC., an Illinois corporation, as follows:

**COUNT I**

**FAILURE TO OBTAIN COVERAGE UNDER A GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR INDUSTRIAL ACTIVITIES**

1. This Count is brought on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against TTS GRANITE, INC., an Illinois corporation (“Respondent” or “TTS”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2024).

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 (2024), and is 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 Pollution 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, TTS has been and is an Illinois corporation registered and in good standing with the Illinois Secretary of State's Office.

4. At all times relevant to this Complaint, TTS operates a manufacturing/showcase facility located at 3225 Louis Sherman Drive, Steger, Cook County, Illinois (the "Facility"). At all times relevant to this Complaint, the Facility manufactures, fabricates, purchases, showcases, and sells fabricated natural stone, often for uses like countertops, for commercial use and use in private homes.

5. As of the date of filing of this Complaint, the Facility is located in an area of Environmental Justice ("EJ") concern as identified using Illinois EPA EJ Start.

6. Stormwater at the Facility discharges into a municipal separate storm sewer system owned by the Village of Steger and then into the Deer Creek tributary to Thorn Creek, which is tributary to the Little Calumet River.

7. To obtain coverage under the NPDES General Stormwater Permit for Industrial Activities ("NPDES Industrial General Permit"), a facility is required to submit to the Illinois EPA a Notice of Intent ("NOI"), a Stormwater Pollution Prevention Plan ("SWPPP"), and a permit application fee.

8. Alternatively, a facility may request the Illinois EPA to issue a No Exposure Certification for Exclusion from NPDES Stormwater Permitting ("NEC").

9. On August 8, 2023 the Illinois EPA inspected the Facility. On that date, there was a pile of debris consisting of rock, concrete, and broken tile located off the corner of the former loading dock.

10. During the inspection, the Illinois EPA inspector notified Respondent through its Registered Agent, Joseph Nicolazzi, that the Facility needed to apply for coverage under the NPDES Industrial General Permit and to develop a SWPPP.

11. On August 22, 2023, the Facility submitted a NEC to the United States Environmental Protection Agency (“USEPA”).

12. On September 20, 2023, the USEPA responded and directed the Respondent to submit the NEC to the Illinois EPA.

13. On or about May 24, 2024, or a date better known to Respondent, the Defendant submitted its August 22, 2023 NEC to the Illinois EPA.

14. On June 14, 2024, the Illinois EPA inspected the Facility. On that date, the debris pile consisting of rock, concrete, and broken tile located off the corner of the former loading dock that the Illinois EPA had identified during its earlier inspection was slightly diminished from its April 8, 2023 size, but was still present. Also, a whitish discharge was exiting an open shop bay from the internal slab cutting area.

15. On June 21, 2024 the Respondent sent confirmation to the Illinois EPA, in the form of photographs of the Facility, that it had fully removed the debris pile and implemented further preventative measures to keep discharge from leaving the building.

16. On June 28, 2024, the Illinois EPA issued a letter accepting the Respondent’s NEC for exclusion from the NPDES Storm Water Permitting process.

17. Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), provides as follows:

No person shall:

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 [National Pollution Discharge Elimination System]

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.

18. Industrial sites are subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board (“Board”). The Board’s regulations for water pollution are codified at 35 Ill. Adm. Code, Subtitle C, Chapter I (“Board Water Pollution Regulations”).

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

Except as in compliance with the provisions 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.

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), 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, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

22. Section 3.165 of the Act, 515 ILCS 5/3.165 (2024), provides as follows:

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

23. Stormwater or any other liquids or fluids coming from the Facility are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

24. Section 3.550 of the Act, 415 ILCS 5/3.550 (2024), provides the following definition:

“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 the State.

25. The Deer Creek tributary, Thorn Creed and the Little Calumet River are “waters”, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2024).

26. Section 502(14) of the Clean Water Act (“CWA”), 33 U.S.C.S. § 1362(14), provides the following definition:

(14) The term “point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

27. The Facility is a “point source”, as that term is defined in Section 502(14) of the CWA, 33 U.S.C.S. § 1362(14).

28. The CWA regulates the discharge of pollutants from a point source into navigable waters and prohibits such point source discharges without an NPDES permit. The United States Environmental Protection Agency (“USEPA”) administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State.

29. The USEPA has authorized the State of Illinois to issue NPDES permits through the Illinois EPA in compliance with NPDES federal regulations, including stormwater discharges regulated by 40 CFR § 122.26, which requires a person to, among other things, obtain a NPDES permit and prepare and implement a stormwater pollution prevention plan or obtain a NEC.

30. The USEPA NPDES Regulations require certain categories of point source dischargers to obtain coverage under a general NPDES permit.

31. 40 C.F.R. § 122.26(a)(1)(ii) provides as follows:

(a) Permit requirement.

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

\* \* \*

- ii. A discharge associated with industrial activity;

32. 40 C.F.R. § 122.26(b)(14)(ii) includes the following definition:

- (b) Definitions.

\* \* \*

- (14) ***Storm water discharge associated with industrial activity*** means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant... manufactured products, waste material, or by-products used or created by the facility;  
...

\* \* \*

- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing ... facilities operated in connection with silvicultural activities defined in 40 CFR 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities);

33. Respondent, who operates a Facility that manufactures, fabricates, purchases, showcases, and sells fabricated natural stone is classified as SIC Code 3281, conducts “industrial activity” at the Facility as defined in 40 C.F.R. § 122.26(b)(14).

34. An NPDES permit is required for stormwater discharges associated with industrial activity at the Facility pursuant to 40 C.F.R. § 122.26(a)(1)(ii).

35. By discharging stormwater associated with industrial activity at the Facility from at least August 8, 2023 through June 28, 2024, or on a date or dates better known to Respondent,

without obtaining coverage under the NPDES General Stormwater Permit for Industrial Activities, Respondent thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), 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, TTS GRANITE, INC., with respect to Count I:

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

2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

3. Ordering Respondent to cease and desist from any future violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

4. Assessing against Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

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

**COUNT II**  
**WATER POLLUTION**

1-30. Complainant re-alleges and incorporates by reference herein paragraphs 1-9, 12-17, 19, 21-30, 32-35 of Count I as paragraphs 1 through 30 of this Count II.

31. Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), 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

32. Section 3.545 of the Act, 415 ILCS 5/3.545 (2024), provides the following definition:

“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.

36. Respondent’s discharge of a whitish liquid from an open shop bay from its internal slab cutting area at the Facility was likely to alter the physical or chemical properties of Deer Creek and was also likely to render such waters harmful or detrimental or injurious to (a) public health, safety or welfare, (b) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or (c) livestock, wild animals, birds, fish, or other aquatic life, which therefore constitutes “water pollution,” as that term is defined in 415 ILCS 5/3.545 (2024).

33. By threatening to discharge contaminants into the environment so as to cause or tend to cause water pollution, Dave Black violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

34. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, TTS GRANITE, INC., with respect to Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
3. Ordering Respondent to cease and desist from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(f) (2024);
4. Assessing against Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and
6. Granting other such relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

by KWAME RAOUL, Attorney General  
of the State of Illinois

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

BY: /s/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:

Chris Haddad Scanlon  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
115 S. LaSalle Street, 23rd Floor  
Chicago, Illinois 60603  
(217) 843-0332  
Primary email: christina.scanlon@ilag.gov  
Secondary email: maria.cacaccio@illinois.gov