



RECEIVED
CLERK'S OFFICE
SEP 15 2004
STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 14, 2004

PCB 0552

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: **People v. Safe Lock Self Storage, Inc.**

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, COMPLAINT and APPEARANCE in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Delbert D. Haschemeyer
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

DDH/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

SEP 15 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 SAFE LOCK SELF STORAGE, INC.,)
 a Missouri corporation,)
)
 Respondent.)

PCB No. 0552
(Enforcement)

NOTICE OF FILING

To: Safe Lock Self Storage, Inc.
c/o Jeff Parrish
801 Midpoint Drive
O'Fallon, MO 63366

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon 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 this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2002), to correct the pollution alleged in the Complaint filed in this case.

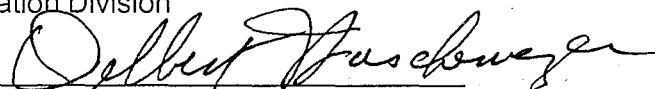
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY:



DELBERT D. HASCHEMEYER
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 14, 2004

RECEIVED
CLERK'S OFFICE

SEP 15 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 SAFE LOCK SELF STORAGE, INC.,)
 a Missouri corporation,)
)
 Respondent.)

PCB No. 05-52
(Enforcement)

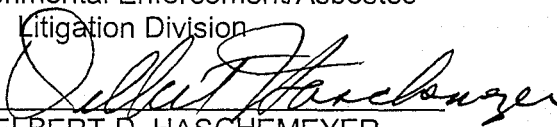
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, DELBERT D. HASCHEMEYER, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

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

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

BY: 
DELBERT D. HASCHEMEYER
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 14, 2004

CERTIFICATE OF SERVICE

I hereby certify that I did on September 14, 2004, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Safe Lock Self Storage, Inc.
c/o Jeff Parrish
801 Midpoint Drive
O'Fallon, MO 63366

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601



Delbert D. Haschemeyer
Assistant Attorney General

This filing is submitted on recycled paper.

SEP 15 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 SAFE LOCK SELF STORAGE, INC.,)
 a Missouri corporation,)
)
 Respondent.)

PCB NO. 05-52
(ENFORCEMENT)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, SAFE LOCK SELF STORAGE, INC., a Missouri corporation, as follows:

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).
2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").
3. The Respondent, SAFE LOCK SELF STORAGE, INC. (hereinafter "Safe Lock"), is a Missouri corporation in good standing with the Missouri Secretary of State. The President and Registered Agent is Jeff Parrish of O'Fallon, Missouri.
4. Respondent, Safe Lock, is constructing a rental storage facility on a 4.62 acre tract located at 2215 Lebanon Avenue, Shiloh, St. Clair County, Illinois.

5. Section 12(f) of the Act, 415 ILCS 5/12(f) (2002), provides the following prohibition:

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 to 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.

6. Section 309.102(a) of the Pollution Control Board water regulations, 35 Ill. Adm. Code 309.102(a), provides:

Section 309.102 NPDES Permit Required

- (a) 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.

7. Section 301.204 of the Pollution Control Board water regulations, 35 Ill. Adm. Code 301.204, provides:

"CWA" means the Federal Water Pollution Control Act, as amended. (33 U.S.C. 1251, *et seq.* Public Law 92-500 enacted by Congress October 18, 1972, as amended by the "Clean Water Act." Public Law 95-217, enacted December 12, 1977, as amended.)

8. Pursuant to Section 402 of the Clean Water Act, 33 U.S.C. 1342, the USEPA Administrator has promulgated rules requiring an NPDES permit for storm water discharges associated with small construction activity, that being construction activities that result in land disturbance equal to or greater than one acre and less than five acres in size. See, 40 C.F.R. Sections 122.1, 122.2 and 122.26(b)(15).

9. Commencing on some date prior to June 26, 2003, and continuing until August 11, 2003, Respondent developed and constructed the aforesaid storage facility without first obtaining an NPDES permit, in violation of Section 309.102 of the Board's water pollution regulations, 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f) (2002).

PRAYER FOR RELIEF

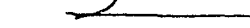
WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, SAFE LOCK SELF STORAGE, INC., as follows:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter;

- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

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

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

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
DELBERT D. HASCHEMEYER
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 9/14/04