



**RECEIVED**  
CLERK'S OFFICE

AUG 29 2005

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

August 25, 2005

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

PLB 06-30

Re: ***People v. Heneghan & Associates, P.C.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of an Entry of Appearance, Complaint and Notice of Filing in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Kristen Laughridge  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

KL/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
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AUG 29 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
HENEGHAN & ASSOCIATES, P.C., )  
an Illinois corporation, )  
 )  
Respondent. )

PCB No. *06-30*  
(Enforcement)

NOTICE OF FILING

To: Heneghan & Associates, P.C.  
c/o Dean P. Heneghan, R.A.  
1004 State Highway 16  
Jerseyville, IL 62052

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.

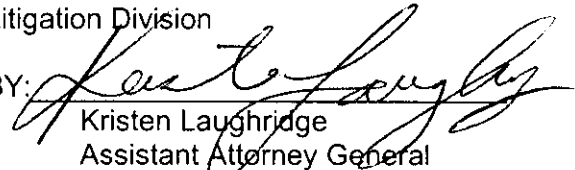
Respectfully submitted,

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:



Kristen Laughridge  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: August 25, 2005

## CERTIFICATE OF SERVICE

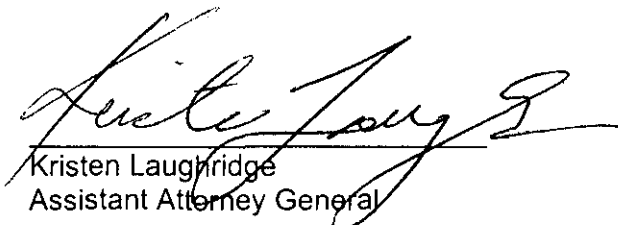
I hereby certify that I did on August 25, 2005, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and

### COMPLAINT:

To: Heneghan & Associates, P.C.  
c/o Dean P. Heneghan, R.A.  
1004 State Highway 16  
Jerseyville, IL 62052

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



Kristen Laughridge  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF  
ILLINOIS,  
  
Complainant,  
  
vs.  
  
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an Illinois corporation,  
  
Respondent.

PCB No. 06-30  
(Enforcement)

**ENTRY OF APPEARANCE**

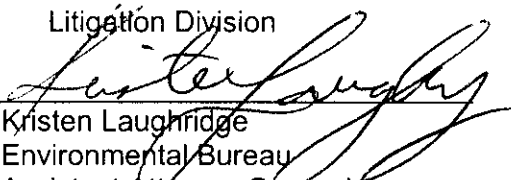
On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KRISTEN LAUGHRIDGE, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

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:

  
Kristen Laughridge  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: August 25, 2005

AUG 29 2005

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
HENEGHAN & ASSOCIATES, P.C., an )  
Illinois corporation, )  
)  
Respondent. )

PCB NO. 06-30  
(Enforcement)

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, HENEGHAN & ASSOCIATES, P.C., as follows:

**COUNT I**

**WATER MAIN CONSTRUCTION WITHOUT A PERMIT**

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 (2004).
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 (2004), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").
3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2004), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.
4. Respondent, Heneghan & Associates, P.C., is an Illinois corporation in good standing. At all times relevant to this Complaint, Respondent was employed by the Calhoun

County Rural Water District to install water mains for the Phase III Water Main Extension in Calhoun County.

5. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), provides:

"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.

6. Section 15(a) of the Act, 415 ILCS 5/15(a) (2004), provides:

- a. Owners of public water supplies, their authorized representative, or legal custodians, shall submit plans and specifications to the Agency and obtain written approval before construction of any proposed public water supply installations, changes, or additions is started. Plans and specifications shall be complete and of sufficient detail to show all proposed construction, changes, or additions that may affect sanitary quality, mineral quality, or adequacy of the public water supply; and, where necessary, said plans and specifications shall be accompanied by supplemental data as may be required by the Agency to permit a complete review thereof."

7. Section 602.101(a) of the Board's Public Water Supply Permits Regulations, 35

Ill. Adm. Code Section 602.101(a), provides:

- a) No person shall cause or allow the construction of any new public water supply installation or cause or allow the change of or addition to any existing public water supply, without a construction permit issued by the Environmental Protection Agency (Agency). Public water supply installation, change, or addition shall not include routine maintenance, service pipe connections, hydrants and valves, or replacement of equipment, pipe, and appurtenances with equivalent equipment, pipe, and appurtenances.

8. Section 602.116 of the Board's Public Water Supply Permits Regulations, 35 Ill.

Adm. Code Section 602.116, provides:

Whenever a supply has been constructed without a construction permit, the Agency may require submission of as-built plans prepared by a qualified person as described in Section 602.105(c). Any deficiencies requiring correction as determined by the Agency must be corrected within a time limit set by the Agency. This does not relieve the owner or official custodian from any liability for construction of the supply without a permit.

9. On some date or dates prior to January 5, 2004, known to the Respondent, Respondent, caused or allowed the construction of 60,070 feet of four-inch water main and

10,575 feet of six-inch water main for the Phase III Water Main Extension for the Calhoun County Rural Water District.

10. On January 5, 2004, Illinois EPA received an application for an As-Built Permit for the newly constructed water mains. Illinois EPA issued an As-Built Permit for the water mains on March 17, 2004.

11. The two water mains were installed at some date prior to January 5, 2004, without a construction permit from the Illinois EPA.

12. By constructing two water mains without a permit from the Illinois EPA, Respondent has violated Section 15(a) of the Act, 415 ILCS 5/15(a) (2004) and Sections 602.101(a) and 602.116 of the Board's Public Water Supply Permits Regulations, 35 Ill. Adm. Code 602.101(a), 602.116.

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent, Heneghan & Associates, P.C.:

- 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



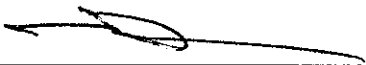
F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* 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:  
KRISTEN LAUGHRIDGE  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: 8/25/05