

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
- vs -	)	PCB No. 06-
	)	(Enforcement - Water)
KARAM TOOR and SURJIT TOOR,	)	
individuals, d/b/a TOOR CAR and	)	
TRUCK PLAZA, and SINGH INC. OF	)	
ILLINOIS, a foreign corporation,	)	
d/b/a TOOR CAR and TRUCK PLAZA	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

TO: See Attached Service List (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is attached and hereby 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 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**

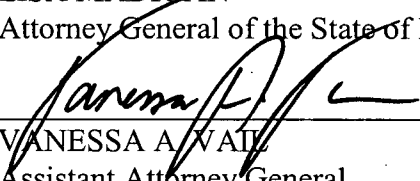
YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental facilities financing act [20 ILCS 3515/1 *et seq.*] to correct the alleged pollution.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General of the State of Illinois

BY:

  
 \_\_\_\_\_  
 VANESSA A. VAIL  
 Assistant Attorney General  
 Environmental Bureau

188 W. Randolph St., 20<sup>th</sup> Floor  
Chicago, Illinois 60601  
312-814-5361

DATE: June 23, 2006

**SERVICE LIST**

**Singh Inc. of Illinois**

c/o Mr. Surjit S Toor

43067 N Hwy 41

Wadsworth, Illinois 60083

**Karam Toor**

9520 W Woelfel Road

Franklin, Wisconsin 53132

**Surjit Toor**

3840 Jerelin Drive

Franklin, Wisconsin 53132

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 Complainant, )  
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 v. ) PCB No. 06-  
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 corporation, d/b/a TOOR CAR and )  
 TRUCK PLAZA )  
 )  
 Respondents. )

COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), complains of Respondents, KARAM TOOR and SURJIT TOOR d/b/a TOOR CAR and TRUCK PLAZA, and SINGH INC. OF ILLINOIS doing business as ("d/b/a") TOOR CAR and TRUCK PLAZA, as follows:

COUNT I

FAILURE TO RENEW NPDES PERMIT

1. This complaint is brought on behalf of the People of the State of Illinois, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois EPA, against KARAM TOOR and SURJIT TOOR d/b/a TOOR

CAR and TRUCK PLAZA ("the Toors"), and SINGH INC. OF ILLINOIS d/b/a TOOR CAR and TRUCK PLAZA ("Singh"), pursuant to the terms and conditions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2004).

2. The Illinois EPA is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (2004), and is charged, *inter alia*, with the duty of enforcing the Act.

3. From at least April 26, 2004, and continuing through the date of filing of this Complaint, Respondent Singh has been and is a Wisconsin corporation registered to do business in Illinois. According to public records maintained by Illinois Secretary of State, Surjit Toor is president of Singh.

4. At all times relevant to this Complaint, Respondent KARAM TOOR has been and is an individual and Wisconsin resident.

5. At all times relevant to this Complaint, Respondent SURJIT TOOR has been and is an individual and Wisconsin resident.

6. From at least 1998 or a date better known to Respondents the Toors, through April 26, 2004 or a date better known to Respondents, the Toors were d/b/a Toor Car and Truck Plaza at a facility located at 43067 North U.S. Highway 41, Wadsworth, Lake County, Illinois ("Site").

7. From at least April 26, 2004 or a date better known to the Toors, and continuing through the date of filing of this Complaint, Respondent Singh has done and continues to do business as Toor Car and Truck Plaza located at the Site.

8. Toor Car and Truck Plaza operates as a truck stop, gasoline retailer and restaurant.

9. On December 4, 1998, the Illinois EPA issued National Pollutant Discharge Elimination System ("NPDES") Permit No. IL0073431 (the "NPDES Permit") to Toor Car & Truck Plaza for discharging effluent from the wastewater treatment plant ("WWTP") at the Site. The WWTP consists of grease traps for kitchen waste, a two compartment septic tank, and a recirculating sand filter with chlorination, dechlorination and a pump for pumping to the receiving stream. Discharge of wastewater from the WWTP is via a storm sewer to an unnamed stream tributary to the Des Plaines River. The NPDES Permit expired on November 30, 2003.

10. On February 27, 2003, the Illinois EPA sent a letter to Toor Car & Truck Plaza notifying Toor Car and Truck Plaza that it was required to submit an NPDES permit application for reissuance of its NPDES Permit No. IL0073431 for the WWTP by May 30, 2003.

11. On May 9, 2003, the Illinois EPA sent a second letter to Toor Car & Truck Plaza reminding Toor Car and Truck Plaza to

renew its NPDES Permit before its expiration date of November 30, 2003 or provide written notice requesting termination of the NPDES Permit. Toor Car and Truck Plaza did not respond to Illinois EPA's letter.

12. On March 4, 2005, the Illinois EPA sent a violation notice ("VN") to Toor Car & Truck Plaza advising that failure to renew its NPDES Permit constituted violations of the Act and Illinois Pollution Control Board ("Board") regulations. The VN informed Toor Car and Truck Plaza that it was required to submit a written response within 45 days of receipt of the VN. The VN also advised that compliance with the Act and Board regulations was required within 30 days.

13. On June 29, 2005, Respondent Surjit Toor (also known as "Sam Toor") responded to the Illinois EPA via telephone that an application for renewal of the NPDES Permit would be submitted as soon as possible. As of August 26, 2005, an NPDES Permit application had not been submitted to the Illinois EPA.

14. On August 26, 2005, the Illinois EPA sent a Notice of Intent to Pursue Legal Action ("NIPLA") to Respondent Surjit Toor. On August 30 and 31, 2005, the Toors telephoned the Illinois EPA in response to the NIPLA.

15. On September 8, 2005, the Illinois EPA received an NPDES Permit application for Toor Car & Truck Plaza's WWTP.

16. On March 20, 2006, the Illinois EPA reissued the NPDES Permit for discharge into waters of the state.

17. Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), 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.

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

19. Respondents, Karam Toor and Surjit Toor, are "persons" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2004).

20. Respondent Singh, a foreign corporation, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2004).



21. Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), provides, as follows:

Renewal

- a) Any permittee who wishes to continue to discharge after the expiration date of his NPDES Permit shall apply for reissuance of the permit not less than 180 days prior to the expiration date of the permit.

22. Respondents the Toors failed to submit an application for renewal of their NPDES Permit within 180 days prior to the November 30, 2003 expiration date of the permit.

23. By failing to timely renew their NPDES Permit, Respondents the Toors violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a).

24. Respondent Singh, by discharging effluent from Toor Car & Truck Plaza's WWTP without a valid NPDES permit from April 26, 2004 through March 20, 2006, violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondents, KARAM TOOR and SURJIT TOOR d/b/a TOOR CAR and TRUCK PLAZA, and SINGH INC. OF ILLINOIS d/b/a TOOR CAR and TRUCK PLAZA, on this Count I:

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

2. Finding that Respondents the Toors violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2004), and 35 Ill. Adm. Code 309.104(a);

3. Finding that Respondent Singh violated Section 12(f) of the Act;

4. Ordering Respondents the Toors to cease and desist from any future violations of Section 12(f) of the Act, and 35 Ill. Adm. Code 309.104(a);

5. Ordering Respondent Singh to cease and desist from any future violations of Section 12(f) of the Act;

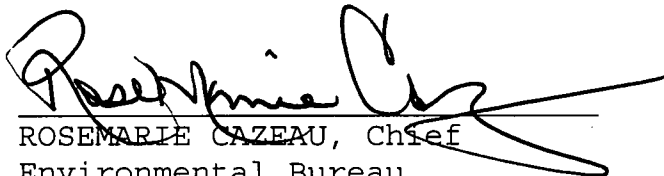
6. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each violation of Section 12(f) of the Act, and 35 Ill. Adm. Code 309.104(a) against the Respondents;

7. Ordering the Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

8. 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

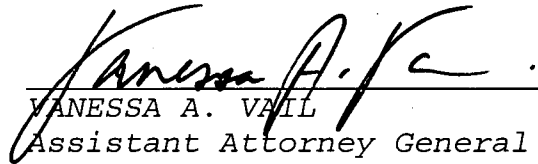
By:   
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:

Vanessa A. Vail  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph Street, Suite 2001  
Chicago, Illinois 60601  
(312) 814-5361

CERTIFICATE OF SERVICE

I, VANESSA A. VAIL, an attorney, do certify that I caused to be served this 23rd day of June 2006, the foregoing Complaint and Notice of Filing upon the persons listed on said Notice, by Certified Mail and U.S. MAIL.

  
VANESSA A. VAIL  
Assistant Attorney General