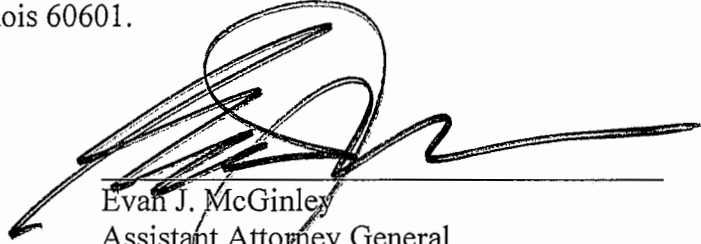


Service List

For the Respondent
C T Corporation System
208 South LaSalle Street
Suite 814
Chicago, Illinois 60604

CERTIFICATE OF SERVICE

I, Evan J. McGinley, an Assistant Attorney General, certify that on the 30th day of January 2015, I caused to be served by Regular U.S. Mail the foregoing Notice of Filing and Complaint to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



Evan J. McGinley
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
312/814-3153

3. At all times relevant to this Complaint, Respondent, Illinois American Water Company ("IAWC"), was and is an Illinois corporation, duly organized and existing under the laws of the State of Illinois. The offices of IAWC are located at 300 North Water Works Drive in Belleville, Illinois.

4. At all times relevant to this Complaint, IAWC has operated a number of community sanitary sewer systems within the State of Illinois, including one within the Village of Mount Prospect, Cook County ("Mt. Prospect System"), and a second one in the Village of Lisle, DuPage County ("Lisle System").

5. The Mount Prospect System is tributary to the Metropolitan Water Reclamation District of Greater Chicago's sanitary sewage collection and treatment system ("MWRDGC System") and the Lisle System is tributary to the County of DuPage's Woodridge Greene Valley Treatment Plant.

Mount Prospect

6. On January 18, 2013, there was a sanitary sewer overflow ("SSO") in the Mt. Prospect System. The SSO originated at a manhole on the north side of an apartment building located at 1200-1216 Wheeling Drive, in Mount Prospect ("First Mt. Prospect SSO"). On information and belief, raw sewage discharged from the manhole onto the surrounding ground during the First Mt. Prospect SSO.

7. The First Mt. Prospect SSO was caused by an excessive buildup of grease, as well as tree roots, in the Mt. Prospect System. The blockage was subsequently removed and the area was cleaned and disinfected. The First Mt. Prospect SSO lasted approximately 4.5 hours, with flows estimated at two gallons per minute ("gpm").

8. On or about January 21, 2013, a second SSO occurred in the Mt. Prospect System at 2015 Seminole Lane in Mount Prospect ("Second Mt. Prospect SSO"). The Second Mt. Prospect SSO was caused by a break in an eight (8) inch sanitary sewer main ("Seminole Drive Sewer Main"). The flow rate of the Second Mt. Prospect SSO was later estimated to have been 230 gpm and an estimated 100,000 gallons of untreated sewage was discharged from a manhole, before the sewer main was repaired.

9. Some of the sewage discharged during the Second Mt. Prospect SSO iced over, due to low temperatures. On information and belief, some of the sewage discharged during the Second Mt. Prospect SSO flowed into the local storm sewer. IAWC removed the ice from the street and disinfected the area. On January 22, 2013, IAWC repaired the main break.

10. On or about January 23, 2013, a third leak occurred at 2015 Seminole Lane ("Third Mt. Prospect SSO"), when raw sewage was again discharged from a manhole in the Mt. Prospect System onto adjacent ground. The Third Mt. Prospect SSO was caused by a hole in the Seminole Lane Sewer Main and was repaired on January 23, 2013. The flow rate of the Third Mt. Prospect SSO was estimated at 2-3 gpm.

Lisle

11. On or about March 10, 2013, a SSO occurred at 913 South Road, in Lisle, DuPage County ("First Lisle SSO"). IAWC subsequently determined that the First Lisle SSO was caused by surcharging of the local sanitary sewer system, following an 1.06 inch rainfall event that fell onto frozen ground and resulted in the melting of the 10.5 inch

snow cover in the area. The estimated total volume of the First Lisle SSO was 15,600 gallons.

12. On or about March 10, 2013, a second SSO in the Lisle System occurred from a manhole located at 901 59th Street in Lisle, DuPage County ("Second Lisle SSO"). The Second Lisle SSO was caused by a surcharge in the Lisle System. An estimated 4,500 gallons of mostly clear water were discharged during the Second Lisle SSO event before it ended on March 11, 2013.

13. Discharges from both Lisle SSOs flowed into storm sewers that ultimately discharge into the DuPage River.

14. Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), provides as follows:

No person shall:

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.

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides the following definition:

"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.

16. Respondent, an Illinois corporation, is a "person," as the term is defined in Section 3.335 of the Act, 415 ILCS 5/3.315 (2012).

17. Section 3.165 of the Act, 415 ILCS 5/3.165 (2012), provides the following definition:

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

18. The untreated sewage released during the First, Second, and Third Mt. Propect SSOs, as well as the untreated sewage released during the First and Second Lisle SSOs, is a “contaminant,” as the term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2012).

19. Section 3.550 of the Act, 415 ILCS 5/3.550 (2012), contains 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 this State.

20. The storm sewers and the DuPage River are each “waters,” as the term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2012).

21. Section 3.545 of the Act, 415 ILCS 5/3.545 (2012), 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.

22. Respondent’s release of untreated sewage during the First, Second and Third Mt. Propect SSO, and the First and Second Lisle SSOs into storm sewers such that

the untreated sewage will or is likely to create nuisance or render the waters harmful or detrimental or injurious to public health, safety or welfare, resulted in "water pollution," as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2012),

23. By discharging untreated sewage into waters of the State, as alleged herein, IAWC caused or allowed water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, IAWC:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012);
3. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 12(a) (2012);
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and regulations promulgated thereunder, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation alleged herein continues; and,
5. Granting such other relief as the Board may deem appropriate.

COUNT II

CREATION OF A WATER POLLUTION HAZARD

1-19. Complainant realleges and incorporates by reference herein Paragraphs 1 through 13 and 15 through 20 of Count I as Paragraphs 1 through 19 of this Count II.

20. Section 12(d) of the Act, 415 ILCS 5/12(d) (2012), provides as follows:

No person shall:

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

21. By allowing sewage to be discharged from manholes in IAWC's sanitary sewer system and onto the surface in and around the manholes, IAWC thereby allowed the deposition of contaminants upon the land in such a place and manner so as to create a water pollution hazard.

22. By depositing contaminants upon the land so as to create a water pollution hazard, IAWC thereby violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, IAWC:

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

2. Finding that the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2012);

3. Ordering Respondent to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2012);

4. Assessing against the Respondent a civil penalty of Fifty Thousand

Dollars (\$50,000.00) for each violation of the Act and regulations promulgated thereunder, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation alleged herein continues; and,

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

COUNT III

VIOLATIONS OF POLLUTION CONTROL BOARD REGULATIONS

1-19. Complainant realleges and incorporates by reference herein Paragraphs 1 through 13 and 15 through 20 of Count I as Paragraphs 1 through 19 of this Count III.

20. Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), 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 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.

21. Pursuant to authority granted in Sections 13 and 27 of the Act, 415 ILCS 5/13 and 5/27 (2012), the Illinois Pollution Control Board (the "Board") has promulgated rules and regulations to control water pollution in Illinois, which are codified at 35 Ill. Adm. Code Subtitle C, Chapter I of the Illinois Administrative Code ("Board Water Pollution Regulations").

22. Section 306.304 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304, provides as follows:

Overflows from sanitary sewers are expressly prohibited.

23. Section 306.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 306.102(a), provides as follows:

Malfunctions: All treatment works and associated facilities shall be so constructed and operated as to minimize violations of applicable standards during such contingencies as flooding, adverse weather, power failure, equipment failure, or maintenance, through such measures as multiple units, holding tanks, duplicate power sources, or such other measures as may be appropriate.

24. Section 301.415 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 301.415, provides as follows:

"Treatment Works" means individually or collectively those constructions or devices (except sewers, and except constructions or devices used for the pretreatment of wastewater prior to its introduction into publicly owned or regulated treatment works) used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of byproducts from such wastewater.

25. The sanitary sewer systems operated by IAWC are "treatment works and associated facilities," within the meaning of Section 306.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.102(a), because they are constructions or devices which are used for the collecting, pumping, treating, or disposing of the wastewater captured by both the Mt. Prospect and Lisle Systems and neither of which fall within the exception contained within Section 301.415 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.415.

26. By allowing overflows from the Mount Prospect and Lisle Systems, IAWC violated Section 306.304 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2012).

27. By failing to ensure its sewage collection system was adequately maintained so as to prevent SSOs during wet weather conditions, IAWC violated Section 306.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.102(a), thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, IAWC:

1. Authorizing a hearing in this matter at which time the 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) (2012), Sections 306.304 and 306.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304 and 306.102(a);

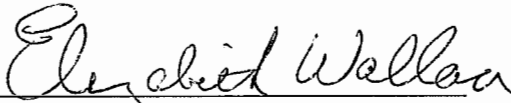
3. Ordering Respondent to take immediate corrective action which will result in a final and permanent abatement of the violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), and Sections 306.304 and 306.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304 and 306.102(a);

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and regulations promulgated thereunder, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation alleged herein continues; and,

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

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: 
ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

OF COUNSEL:

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