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DEC 27 2005

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 22, 2005

PLB06-116

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

Re: ***People v. William Warren, et al***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint 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,

J. L. Homan  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JLH/pp  
Enclosures



FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), 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: J L Homan   
J. L. HOMAN  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: December 22, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that I did on December 22, 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:

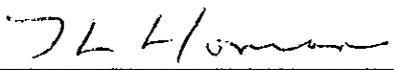
To: William Warren  
2890 Governors Drive  
P.O. Box 189  
Carlyle, IL 62231

Halleck Warren  
11021 West 96<sup>th</sup> Terrace  
Overland Park, KS 66214

Hickory Shore Recreations, Ltd.  
c/o Richard Stillwell, R.A.  
2 West Broadway  
Alton, IL 62002

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

  
\_\_\_\_\_  
J. L. Homan  
Assistant Attorney General 

This filing is submitted on recycled paper.

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 27 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
 ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 WILLIAM WARREN and HALLECK )  
 WARREN, d/b/a Hickory Shores )  
 Resort, and HICKORY SHORES )  
 RECREATIONS, LTD., an Illinois )  
 corporation, )  
 )  
 Respondent. )

PCB No. 06-116  
(Enforcement)

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, J. L. HOMAN, 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: JL Homan  
J. L. HOMAN  
Environmental Bureau  
Assistant Attorney General



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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 WARREN, d/b/a HICKORY SHORES )  
 RESORT, and HICKORY SHORES )  
 RECREATIONS, LTD., an Illinois )  
 corporation, )  
 )  
 Respondents. )

PCB NO. 06-116  
(Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondents, WILLIAM WARREN and HALLECK WARREN, d/b/a HICKORY SHORES RESORT, and HICKORY SHORES RECREATIONS, LTD., as follows:

COUNT I

WATER POLLUTION

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 Respondents with notice and the opportunity for a meeting with the Illinois EPA.

4. The Respondents, William Warren and Halleck Warren, have been the owners and operators of a facility, Hickory Shores Resort ("the Resort"), until at least April 6, 2001. The Resort is located approximately one-quarter mile west and three-quarter miles south of the Village of Keyesport in Clinton County, Illinois. William Warren's address is 2890 Governors Drive, Post Office Box 189, Carlyle, Illinois 62231. Halleck B. Warren's address is 11021 West 96<sup>th</sup> Terrace, Overland Park, Kansas, 66214.

5. The Respondent, Hickory Shore Recreations, Ltd., was incorporated as an Illinois corporation on April 6, 2001, and has been an owner of the Resort since that date. The registered agent is Richard Stillwell, 2 West Broadway, Alton, Illinois, 62002.

6. At all times relevant to this Complaint, the Resort was a campground designed to serve one hundred and fifty campsites with water and electricity, two comfort stations with showers, two sanitary dumping stations, an office building and a recreational clubhouse.

7. The Resort also includes a wastewater treatment facility consisting of a ten thousand gallons per day (10,000 gpd) septic tank, a dosing tank (approximately 1,480 gallon capacity) with dual automatic dosing siphons, and a ten thousand (10,000) square foot buried sand filter and effluent chlorinator. The chlorinator had been removed as of August 15, 2000.

8. On August 28, 1997, Illinois EPA issued National Pollutant Discharge Elimination System ("NPDES") permit # IL0061697 to the Resort. The permit had an expiration date of August 31, 2002. On May 22, 2002, Illinois EPA reissued NPDES permit # IL0061697.

9. The wastewater treatment facility discharges to Carlyle Lake, which is part of the Kaskaskia River, and a surface water drinking supply. Carlyle Lake is a "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2004), as follows:

"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.

10. Since September of 2002, the Defendants have violated their NPDES Permit effluent limitations for ammonia nitrogen at the site as set forth below:

<b>DMR</b>	<b>PARAMETER</b>	<b>REPORTED VALUE</b>	<b>PERMIT LIMIT</b>
Sept 2002	ammonia nitrogen	22.1 mg/l	1.5 mg/l
Oct 2002	ammonia nitrogen	6.7 mg/l	1.5 mg/l
Nov 2002	ammonia nitrogen	3.89 mg/l	2.3 mg/l
June 2003	ammonia nitrogen	8.19 mg/l	1.5 mg/l
July 2003	ammonia nitrogen	6.52 mg/l	1.5 mg/l
Aug 2003	ammonia nitrogen	12.9 mg/l	1.5 mg/l
Sept 2003	ammonia nitrogen	11.5 mg/l	1.5 mg/l
Oct 2003	ammonia nitrogen	4.28 mg/l	1.5 mg/l
May 2004	ammonia nitrogen	2.14 mg/l	1.5 mg/l
June 2004	ammonia nitrogen	6.11 mg/l	1.5 mg/l
July 2004	ammonia nitrogen	4.02 mg/l	1.5 mg/l
Aug 2004	ammonia nitrogen	9.55 mg/l	1.5 mg/l
Sept 2004	ammonia nitrogen	4.05 mg/l	1.5 mg/l
May 2005	ammonia nitrogen	6.11 mg/l	1.5 mg/l
June 2005	ammonia nitrogen	16.0 mg/l	1.5 mg/l
July 2005	ammonia nitrogen	2.05 mg/l	1.5 mg/l

11. On August 15, 2000, the Illinois EPA field staff conducted an inspection of the Resort and its wastewater treatment facility to ascertain the level of operation and maintenance and to determine overall compliance.

12. On August 15, 2000, the plant effluent was not being chlorinated and dechlorinated as required by the NPDES permit.

13. On September 18, 2000, the Illinois EPA sent a Violation Notice ("VN") letter to the Resort citing the failure to submit DMRs and Sludge Summary Reports, and the failure to chlorinate and dechlorinate plant effluent.

14. On December 27, 2000, HMG Engineers, on behalf of the Respondents, William Warren and Halleck Warren, responded to the VN letter, representing that the disinfection equipment would be installed and operational by May 1, 2001.

15. On May 1, 2001, HMG Engineers notified Illinois EPA that the Resort would be unable to meet the deadlines enumerated within the December 27, 2000, letter. HMG stated that the permit application would be filed by May 14, 2001.

16. On May 24, 2001, HMG Engineers stated that the permit application would be filed by June 14, 2001.

17. On November 1, 2001, HMG Engineers stated that the permit application would be filed by November 23, 2001.

18. On February 20, 2002, Illinois EPA finally received a permit application. On May 17, 2002, the permit was denied for several deficiencies.

19. The DMRs for June and July 2002 reported results for fecal coliform of 3320 and 3450 counts/100 mL, because the disinfection equipment had not been installed, and the Sludge Summary Report due July 2002 had not been submitted.

20. On December 6, 2002, Illinois EPA received a permit application from HMG Engineers. On December 10, 2002, Illinois EPA issued a construction permit.

21. On December 11, 2002, Illinois EPA received a letter from HMG with a revised compliance schedule indicating work should be completed on or before July 18, 2003.

22. In the fall of 2003, and on a specific date better known to the Defendant, the disinfection equipment was installed and came into operation.

23. Section 12(a) and (f), 415 ILCS 5/12(a) and (f) (2004): provide:

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 other sources, or so as to violate regulations adopted by the Pollution Control Board under this Act;

\* \* \*

- f. Cause, threaten or allow the discharge of any contaminants into the waters of the State, as defined herein, including but not limited to, water 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 with respect to the NPDES program.

24. Section 305.102 of the Board's Water Pollution Regulations, 35 Ill. Admin. Code 305.102 provides:

- a. Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. "Agency" means the Illinois Environmental Protection Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentration of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; information concerning the biological impact of the

discharge as specified by the Agency, pursuant to Section 39 of the Act; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which are required to have a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310.

- b. Every holder of an NPDES permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

25. The Respondents have discharged effluent to Carlyle Lake without complying with the operational and reporting requirements of the NPDES permit, and the Board's regulatory standards.

26. By causing, allowing or threatening the discharge of contaminants to waters of the State so as to cause or tend to cause water pollution in Illinois, or to violate the Board's regulations or standards, the Respondents have violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

27. These violations have occurred repeatedly since at least September 2002.

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondents, WILLIAM WARREN and HALLECK WARREN, d/b/a HICKORY SHORES RESORT, and HICKORY SHORES RECREATIONS, LTD.:

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

B. Finding that Respondents have violated the Act and regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and associated regulations;

D. Assessing against Respondents 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.

## COUNT II

### REPORTING VIOLATIONS

1-23. Complainant realleges and incorporates herein by reference paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count II.

24. The Respondents' NPDES Permit No. IL0061607 provides, in pertinent part:

SPECIAL CONDITION 7. For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on the farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operation.

SPECIAL CONDITION 8. The Permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly

reporting period, the DMR form shall be submitted with no discharge indicated.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15<sup>th</sup> day of the following month, unless otherwise specified by the permitting authority

25. The Respondents, William Warren and Halleck Warren, have failed to submit or timely submit the Discharge Monitoring Reports (DMRs) as required by the NPDES permit, itemized as follows:

<b>DMR</b>	<b>Due Date</b>	<b>Received Date</b>
January 2000	2/15/00	11/27/00
February 2000	3/15/00	11/27/00
March 2000	4/15/00	11/27/00
April 2000	5/15/00	11/27/00
May 2000	6/15/00	11/27/00
June 2000	7/15/00	11/27/00
July 2000	8/15/00	9/27/05
August 2000	9/15/00	11/27/00
September 2000	10/15/00	11/27/00
October 2000	11/15/00	11/27/00
November 2000	12/15/00	Not received
December 2000	1/15/01	Not received
January 2001	2/15/01	2/20/01
February 2001	3/15/01	4/13/01
March 2001	4/15/01	4/16/01
April 2001	5/15/01	Not received
May 2001	6/15/01	Not received

26. The Respondents, William Warren and Halleck Warren, have failed to submit the Sludge Summary Reports as required by the NPDES permit, itemized as follows:

<b>Sludge Summary Report</b>	<b>Due Date</b>	<b>Received Date</b>
July-Dec 1997	1/31/98	11/27/00
Jan-June 1998	7/31/98	11/27/00
July-Dec 1998	1/31/99	11/27/00
Jan-June 1999	7/31/99	11/27/00
July-Dec 1999	1/31/00	11/27/00
Jan-June 2000	7/31/00	11/27/00
July-Dec 2000	1/31/01	Not received
Jan-June 2001	7/31/01	Not received
July-Dec 2001	1/31/02	2/14/02
Jan-June 2002	7/31/02	9/27/05
July-Dec 2002	1/31/03	9/27/05
Jan-June 2003	7/31/03	9/27/05
July-Dec 2003	1/31/04	9/27/05
Jan-June 2004	7/31/04	9/27/05
July-Dec 2004	1/21/05	9/27/05

27. From at least August 15, 2000, until September 27, 2005, the Respondents have failed to submit or to timely submit some sludge summary reports as required by Special Condition 7 of the NPDES Permit in violation of 35 Ill. Adm. Code 305.102(a) and (b).

28. From at least August 15, 2000, until September 27, 2005, the Respondents failed to submit or to timely submit some DMRs as required by Special Condition 8 of the NPDES Permit in violation of 35 Ill. Adm. Code 305.102(a) and (b).

29. By violating 35 Ill. Adm. Code 305.102(a) and (b), Respondents have violated Section 12(f) of the Act, 415 ILCS 5/12(f)(2004).

30. These violations have occurred repeatedly since at least August 15, 2000.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondents, WILLIAM WARREN and HALLECK WARREN, d/b/a HICKORY SHORES RESORT, and HICKORY SHORES RECREATIONS, LTD.:

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- 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  
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

J.L. Homan  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

Dated: \_\_\_\_\_