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MAR 15 2007

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 13, 2007

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

PCB07-86

Re: ***People v. The Ridges of Coal Valley***

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,

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

JLH/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 15 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
vs.)
)
THE RIDGES OF COAL VALLEY,)
an Illinois limited liability corporation,)
)
Respondent.)

PCB No. 07-86
(Enforcement)

NOTICE OF FILING

To: Mr. Karl H. Huntoon
Katz, Huntoon & Fieweger, PC
1000 36th Avenue
Moline, IL 61265-7126

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 (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: 

MICHAEL D. MANKOWSKI
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: March 13, 2007

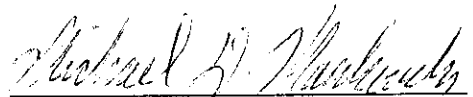
CERTIFICATE OF SERVICE

I hereby certify that I did on March 13, 2007, 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: Mr. Karl H. Huntoon
Katz, Huntoon & Fieweger, PC
1000 36th Avenue
Moline, IL 61265-7126

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



Michael D. Mankowski
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 15 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
vs.)
)
THE RIDGES OF COAL VALLEY, an)
Illinois limited liability corporation,)
)
Respondent.)

PCB No. 67-86
(Enforcement)

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, MICHAEL D. MANKOWSKI, 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:



MICHAEL D. MANKOWSKI
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: March 13, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 15 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Plaintiff,)
)
vs.)
)
THE RIDGES OF COAL VALLEY,)
an Illinois limited liability corporation,)
)
Defendant.)

PCB No. 07-86
(Enforcement)

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, complains of the Respondent, THE RIDGES OF COAL VALLEY, an Illinois limited liability company, as follows:

COUNT I

WATER POLLUTION

1. This count is brought on behalf of the People of the State of Illinois, by Lisa Madigan, the Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, 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. The Respondent, THE RIDGES OF COAL VALLEY (hereinafter "Ridges"), is an Illinois limited liability company in good standing with the Illinois Secretary of State.

5. Respondent Ridges owns a piece of property known as Ridges of Coal Valley Subdivision ("the site") consisting of 125 acres located at the corner of 1st Street and 4th Avenue in Coal Valley, Rock Island County, Illinois.

6. Section 3.550 of the Act, 415 ILCS 5/3.550 (2004), defines "Waters" as:

"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.

7. Section 3.545 of the Act, 415 ILCS 5/3.545 (2004), defines "Water Pollution" as:

"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.

8. Section 12 of the Act, 415 ILCS 5/12 (2004), provides the following prohibitions:

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

* * *

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

* * *

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.

9. Section 302.203 of the Pollution Control Board's Water Regulations, 35 Ill. Adm.

Code 302.203, provides:

Offensive Conditions

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin.

10. Section 304.106 of the Pollution Control Board's Water Regulations, 35 Ill. Adm.

Code 304.106, provides:

Offensive Discharges

In addition to the other requirements of this Part, no effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

11. Commencing on some date prior to March 14, 2006, and continuing thereafter, Respondent, in the process of developing its subdivision, caused, threatened or allowed silt and other matter to be discharged from its site to waters of the State in such a manner so as to cause water pollution in violation of Section 302.203 of the Board's Water Regulations, 35 Ill. Adm. Code 302.203 and Section 12(a) of the Act, 415 ILCS 5/12(a) (2004).

12. Commencing on some date prior to March 14, 2006, and continuing thereafter, Respondent, disturbed soil close to storm drains and other storm water conveyances in such a manner that their deposit into waters of the State was threatened or allowed, in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2004).

13. Commencing on or before March 14, 2006, and continuing thereafter,

Respondent, by failing to maintain adequate storm water controls at its site to reduce or eliminate erosion from the site as required by its NPDES permit, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2004).

14. Commencing on some date prior to March 14, 2006, and continuing thereafter, Respondent, by allowing storm water containing excessive amounts of silt and soil solids to discharge from its site, violated Section 304.106 of the Illinois Pollution Control Board's Water Regulations, 35 Ill. Adm. Code 304.106 and Section 12(a) of the Act, 415 ILCS 5/12(a) (2004).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, THE RIDGES OF COAL VALLEY:

- 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 a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) per day for each day that the violations continued;

E. 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:

MICHAEL D. MANKOWSKI
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/557-0586

Dated: 3/12/07