

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 14-
)	(Enforcement – Water)
MUHAMMAD S. ANSARI, individually, and)	
LAKE BLUFF PETROLEUM, INC., an)	
Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

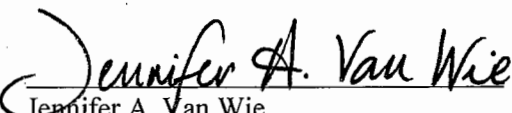
PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is attached and hereby served upon you.

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 violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN, Attorney General of the State
of Illinois

By: 
 Jennifer A. Van Wie
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 69 W. Washington St., 18th Floor
 Chicago, Illinois 60602
 (312) 814-0609

Date: May 29, 2014

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Service List

For the Respondent

Muhammad S. Ansari
8658 N. Osceola Avenue
Niles, Illinois 60714
(Certified Mail, Return Receipt Requested)

Muhammad S. Ansari, Agent
Lake Bluff Petroleum, Inc.
218 N. Waukegan Road
Lake Bluff, Illinois 60044
(Certified Mail, Return Receipt Requested)

Illinois Environmental Protection Agency
Charles Gunnarson
Acting Deputy General Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(First Class U.S. Mail)

5. Ansari is the president and registered agent of LBP.
6. At all times relevant to this Complaint, Ansari and LBP operated and managed a Marathon gasoline service station at 218 N. Waukegan Road, Lake Bluff, Lake County, Illinois ("Site").
7. The Site includes gasoline fueling pumps, underground storage tanks ("USTs") for gasoline, and a convenience store.
8. From some time prior to February 11, 2013, on a date better known to Respondents, and continuing to the present, Ansari and LBP operated and managed the Site.
9. On February 11, 2013, the Illinois EPA Office of Emergency Response received information from a third party that individuals at the Site were pumping liquid into a ditch between the Site and a Canadian National railroad right-of-way ("CN right-of-way").
10. On February 11, 2013, representatives from the Lake County Sheriff's Department and Knollwood Fire Protection District investigated the Site for the suspected pumping of liquid.
11. A Lake County Sheriff's Deputy ("LCS Deputy") noted in a supplementary report dated March 1, 2013 ("3/1/13 LCSD report") that he could smell a strong odor of gasoline at the Site on February 11, 2013.
12. The LCS Deputy noted in his 3/1/13 LCSD report that the liquid being pumped on February 11, 2013 appeared to be a gasoline / water mixture.
13. On February 11, 2013, the LCS Deputy spoke with Respondent Ansari at the Site.
14. On February 11, 2013, Respondent Ansari told the LCS Deputy that he had placed a sump pump into the USTs at the Site to pump off excess water that had leaked into the UST system.

15. The LCS Deputy noted in his 3/1/13 LCSD report that the sump pump hose went directly south across the parking lot of the Site, between the rails of a wooden fence, and the liquid was collecting along the railroad right-of-way.

16. The LCS Deputy noted in his 3/1/13 LCSD report that it appeared that Respondent Ansari was purposefully blocking view of the of the pump and hose because Respondent Ansari had positioned both of his vehicles in such a way that the pump was not visible from the south parking lot at the Site.

17. On February 11, 2013, the Knollwood Fire Department Battalion Chief ("Battalion Chief") observed that the building / business owner was pumping contaminated water from on top of the fuel tank ports into the ditch to the south of the Site.

18. The Battalion Chief issued a cease and desist order to Respondent Ansari to stop pumping the liquid at the Site.

19. The Lake County Sheriff's Department and Knollwood Fire Protection District notified various agencies, including the Illinois Environmental Protection Agency, Office of the Illinois State Fire Marshal, and Lake County Emergency Management Agency, of the pumping occurring at the Site.

20. On February 20, 2013, an Illinois EPA inspector conducted a follow-up inspection at the Site.

21. The Illinois EPA inspector spoke with Ansari about the pumping that occurred at the Site on February 11, 2013.

22. The Illinois EPA inspector confirmed that the pumped liquid was discharged to a drainage ditch on the CN right-of-way.

23. The CN right-of-way drainage ditch flows west to the Middlefork sub basin of the

Chicago River.

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

Actions prohibited. 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.

25. 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.

26. Ansari and LBP are each a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2012).

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

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

28. A gasoline/water mixture is a "contaminant" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2012).

29. 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.

30. The CN right-of-way drainage ditch leading to the Middlefork sub basin of the Chicago River is "waters" of the State of Illinois as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2012).

31. 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.

32. The discharge of a gasoline/water mixture into waters of the State causes an alteration of the properties of the water in a manner that does or is likely to create a nuisance or render the water harmful to human, animal, or aquatic life or health.

33. By causing, threatening, or allowing the discharge of a gasoline/water mixture into waters of the State of Illinois, the Respondents caused or tended to cause water pollution in Illinois.

34. By causing or tending to cause water pollution in Illinois, the Respondents violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondents, MUHAMMAD S. ANSARI and LAKE BLUFF PETROLEUM, INC., with respect to this Count I:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations contained herein;
2. Finding the Respondents have violated Section 12(a) of the Act, 415 ILCS 5/12(a)

(2012);

3. Ordering the Respondents to cease and desist from future violations of the Act;
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and an additional Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs against the Respondents, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012); and
6. Granting such other and further relief as the Board deems appropriate and just.

COUNT II
WATER POLLUTION HAZARD

1-31. Complainant realleges and incorporates by reference herein paragraphs 1 through 23 and 25 through 32 of Count I as paragraphs 1 through 31 of this Count II.

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

Actions prohibited. No person shall:

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

33. The Respondents deposited a gasoline/water mixture from the Site into the CN right-of-way drainage ditch which leads to the Middlefork sub basin of the Chicago River.

34. By depositing contaminants at the Site in a place and manner that created a water pollution hazard, Respondents violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2012).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondents, MUHAMMAD S. ANSARI and LAKE BLUFF PETROLEUM, INC., with respect to this Count II:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations contained herein;
2. Finding the Respondents have violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2012);
3. Ordering the Respondents to cease and desist from future violations of the Act;
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and an additional Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs against the Respondents, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012); and
6. Granting such other and further relief as the Board deems appropriate and just.

COUNT III
VIOLATION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT REQUIREMENTS

1-29. Complainant realleges and incorporates by reference herein paragraphs 1 through 23 and 25 through 30 of Count I as paragraphs 1 through 29 of this Count III.

30. Pursuant to Section 1342(b) of the Federal Clean Water Act ("CWA"), 33 U.S.C. § 1342(b), the Illinois EPA administers and enforces the CWA's National Pollutant Discharge Elimination System ("NPDES") permit program within the State of Illinois.

31. Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), provides, in pertinent part, as follows:

Actions prohibited. 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.

32. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

NPDES Permit Required

- a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

33. Section 1362(14) of the CWA, 33 U.S.C.A. § 1362(14) (2011), provides the following definition:

- (14) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

34. The sump pump used to extract the gasoline/water mixture from the USTs at the Site and pump it into the CN right-of-way drainage ditch leading to the Middlefork sub basin of the Chicago River is a discernible, confined and discrete conveyance, and therefore constitutes a "point source" as that term is defined in Section 1362(14) of the CWA, 33 U.S.C.A. § 1362(14) (2011).

35. Pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a),

Respondents were required to obtain an NPDES permit for the discharge from the Site into the CN right-of-way drainage ditch alleged in this Complaint.

36. Respondents did not have an NPDES permit for the discharges alleged in this Complaint.

37. By failing to obtain an NPDES permit for the discharge of contaminants into the CN right-of-way drainage ditch, Respondents violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondents, MUHAMMAD S. ANSARI and LAKE BLUFF PETROLEUM, INC., with respect to this Count III:

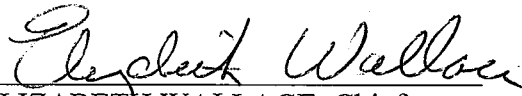
1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations contained herein;
2. Finding the Respondents have violated Section 12(f) of the Act, 415 ILCS 5/12(a) (2012), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
3. Ordering the Respondents to cease and desist from future violations of the Act and Board Water Pollution Regulations;
4. Assessing against Respondents a civil penalty of ten thousand dollars (\$10,000.00) for each day of each violation;
5. Taxing all costs against the Respondents, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012); and

6. Granting such other and further relief as the Board deems appropriate and just.

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:

JENNIFER A. VAN WIE
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609

CERTIFICATE OF SERVICE

I, JENNIFER A VAN WIE, an Assistant Attorney General, certify that on the 29th day of May 2014, I caused to be served to the parties named on the attached Service List by the method indicated on the Service List, the foregoing Complaint, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.


Jennifer A. Van Wie
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609