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JUN 29 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

RON FREEMAN, individually, and)
d/b/a HARBOR LITES - PISTAKEE)
FISHING CLUB,)

Respondent.)

No. PCB 05-221

NOTICE OF FILING

TO: See Attached Service List

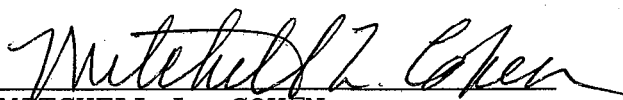
PLEASE TAKE NOTICE that on June 29, 2005, we filed with the Illinois Pollution Control Board a Complaint, a true and correct copy of which is attached and hereby served upon you.

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.

Respectfully submitted,

LISA MADIGAN
Attorney General
State of Illinois

BY:


MITCHELL L. COHEN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-5282

SERVICE LIST

Attn: Ronald Freeman
Arcadia Village, Lot 532
2692 NE Highway 70
Arcadia, Florida 34266

Ronald Freeman
Harbor Lites - Pistakee Fishing Club
33418 North Lakeshore Drive
Wildwood, Illinois 60030

Ronald Freeman
200 Mainsail Drive
Third Lake, Illinois 60030

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney General)
Of the State of Illinois,)

Complainant,)

v.)

RON FREEMAN, individually, and d/b/a)
HARBOR LITES-PISTAKEE FISHING CLUB,)

Respondent.)

PCB NO. 05-221

COMPLAINT

The PEOPLE OF THE STATE OF Illinois, ex rel. LISA MADIGAN, on her own motion and on behalf of the Illinois Environmental Protection Agency, complains of Respondent RON FREEMAN, individually and d/b/a HARBOR LITES-PISTAKEE FISHING CLUB, as follows:

COUNT I

MONITORING AND REPORTING VIOLATIONS

1. This is a civil action brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by 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"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415

ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act. The Illinois EPA is further charged with the duty of abating violations of the Federal Safe Drinking Water Act, 42 U.S.C. 300(f) et seq.(2004).

3. At all times relevant to this Complaint, Ron Freeman ("Respondent") owned and operated a potable water distribution system serving approximately 100 residents, members and guests of the Harbor Lites- Pistakee Fishing Club ("Harbor Lites") located at 33418 Lake Shore Drive, Grayslake, Illinois 60030.

4. Section 3.365 of the Act, 415 ILCS 5/3.365 (2004), contains the following definition:

"Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

5. Section 3.145 of the Act, 415 ILCS 5/3.145 (2002), contains, in pertinent part, the following definition:

"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.

6. At all times relevant to this Complaint, Respondent owned and operated a "public water supply," as the term is

defined in Section 3.365 of the Act ("Act"), 415 ILCS 5/3.365 (2002), and further defined as a "community water supply" as defined in Section 3.145 of the Act, 415 ILCS 5/3.145 (2002).

7. All community water supplies must achieve and maintain compliance with the monitoring and reporting requirements of the Environmental Protection Act, as well as Illinois Pollution Control Board's regulations.

8. Section 19 of the Act, 415 ILCS 5/19 (2002), provides in pertinent parts as follows:

Owners or official custodians of public water supplies shall submit such samples of water for analysis and such reports of operation pertaining to the sanitary quality, mineral quality, or adequacy of such supplies as may be requested by the Agency. Such samples and reports shall be submitted within 15 days after demand by the Agency.

9. Section 611.356(d)(1) of the Illinois Pollution Control Board's Primary Drinking Water Standards, 35 Ill. Adm. Code 611.356(d)(1), provides as follows:

Tap Water Monitoring for Lead and Copper

* * *

d) Timing of monitoring.

1) Initial tap sampling. The first six-month monitoring period for small, medium-sized and large system suppliers must begin on the dates specified in Table E of this Part.

A) All large system suppliers must monitor during each of two consecutive six-month periods.

B) All small- and medium-sized system suppliers must monitor during each consecutive six-month monitoring period until the following is true:

i) The supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier must continue monitoring in accordance with subsection (d)(2) of this Section; or

ii) The supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) of this Section.

10. Section 611.356(d)(1) required Respondent to submit lead and copper samples for the six month period between July 1, 2002, to December 31, 2002.

11. Respondent failed to submit lead and copper samples results for Harbor Lites for the six month period between July 1, 2002, and December 31, 2002, in violation of Section 19 of the Act, 415 ILCS 5/19 and 35 Ill. Adm. Code 611.356(d)(1).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Board to enter an Order in favor of Complainant and against Respondent, Ron Freeman, individually and d/b/a Harbor Lites-Pistakee Fishing Club:

- a. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
- b. Finding that Respondent, has violated Section 19 of the Act, 415 ILCS 5/19 (2002), and 35 Ill. Adm. Code 611.356(d)(1);
- c. Ordering Respondent to cease and desist from further violations of Section 19 of the Act, 415 ILCS 5/19 (2002), and 35 Ill. Adm. Code 611.356(d)(1);
- d. Assessing a civil penalty of \$50,000 against Respondent for each and every violation of the Act and pertinent regulations, and an additional penalty of Ten Thousand Dollars (\$10,000) per day for each day of each violation;
- e. Taxing all costs in this action, including attorney, expert witness and consultant fees, against Respondent; and

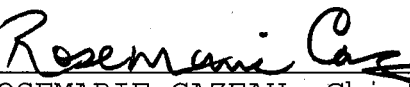
f. Granting such other relief as this Board deems appropriate and just.

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:


ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

OF COUNSEL:

Mitchell L. Cohen
Assistant Attorney General
Environmental Bureau
188 W. Randolph St, 20th Floor
Chicago, Illinois 60601
(312) 814-5282

CERTIFICATE OF SERVICE

I, MITCHELL COHEN, an Assistant Attorney General, certify that on the 29th day of June, 2005, I caused to be served by overnight mail to Ron Freeman's Florida address, and certified First Class Mail to his Illinois' addresses, the foregoing Complaint 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.


MITCHELL L. COHEN