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OCT 03 2005

OFFICE OF THE ATTORNEY GENERAL **STATE OF ILLINOIS**  
Pollution Control Board  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

September 28, 2005

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

*PCB06-46*

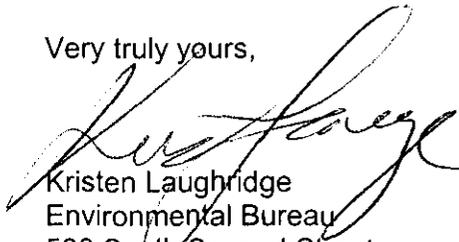
Re: ***People v. Osborn Homes, Inc.***

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,

  
Kristen Laughridge  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

KL/pp  
Enclosures

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OCT 03 2005

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
OSBORN HOMES, INC., an Illinois )  
corporation, )  
 )  
Respondent. )

PCB No. *d 4th*  
(Enforcement)

**NOTICE OF FILING**

To: Osborn Homes, Inc.  
c/o Joseph E. Osborn, R.A.  
100 Regency Centre  
Collinsville, IL 62234

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.

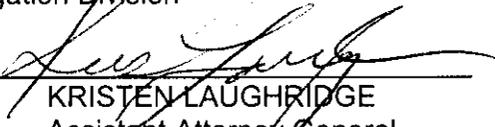
FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), to correct the pollution alleged in the Complaint filed in this case.

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:   
KRISTEN LAUGHRIDGE  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: September 28, 2005

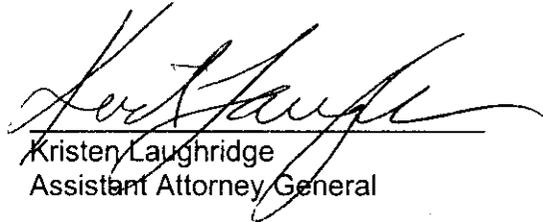
## CERTIFICATE OF SERVICE

I hereby certify that I did on September 28, 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: Osborn Homes, Inc.  
c/o Joseph E. Osborn, R.A.  
100 Regency Centre  
Collinsville, IL 62234

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



Kristen Laughridge  
Assistant Attorney General

This filing is submitted on recycled paper.

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,  
  
Complainant,  
  
vs.  
  
OSBORN HOMES, INC., an Illinois corporation,  
  
Respondent.

PCB No. *06-46*  
(Enforcement)

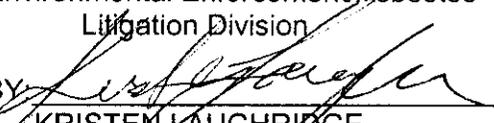
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KRISTEN LAUGHRIDGE, 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   
KRISTEN LAUGHRIDGE  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: September 28, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
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 Complainant, )  
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 vs. )  
 )  
 OSBORN HOMES, INC., an Illinois )  
 corporation, )  
 )  
 Respondent. )

PCB NO. 06-46  
(Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, OSBORN HOMES, INC., as follows:

COUNT I

SEWER CONSTRUCTION PERMIT VIOLATIONS

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 Respondent with notice and the opportunity for a meeting with the Illinois EPA.
4. Osborn Homes, Inc. is an Illinois corporation. At all times relevant to this Complaint, Osborn Homes, Inc. owned and built multi-family use homes at the Parkside Commons Development ("site"). The site is located south of Sir Lancelot Drive and east of

Keebler Road in Collinsville, Madison County, Illinois.

5. Section 12 of the Illinois Environmental Protection Act, 415 ILCS 5/12 (2004), provides, in pertinent part:

No person shall:

\* \* \*

(c) . . . . construct or install any sewer or sewage treatment facility . . . without a permit granted by the Agency.

\* \* \*

6. Section 309.202(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a), provides:

Except for treatment works or wastewater sources which have or will have discharges for which NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

a) No person shall cause or allow the construction of any new treatment works, sewer or wastewater source or cause or allow the modification of any existing treatment works, sewer or wastewater source without a construction permit issued by the Agency. . . .

7. On November 26, 2003, Illinois EPA received an application for a construction permit for the sanitary sewer system at the site from the Defendant.

8. On December 8, 2003, Illinois EPA denied the permit application submitted by the Defendant because it was deemed incomplete because it did not have a sufficient fee for the permit.

9. On January 7, 2004 representatives for the City of Collinsville inspected the site for stormwater and erosions controls.

10. On January 7, 2004 several sections of sanitary sewer had been installed and connected to the existing sanitary sewer at the site.

11. On January 15, 2004, Illinois EPA inspected the site.

12. On January 15, 2004, a segment of approximately a few hundred feet of line had been installed and one manhole had been set. Pipe bundles, manhole rings, and bedding material were positioned on-site.

13. On January 7 and 15, 2004, the Defendant did not have a construction permit for the sanitary sewer system at the site.

14. On January 27, 2004, Illinois EPA issued the Defendant a construction permit for the sewer construction after receiving full payment for the construction permit.

15. On or before January 7, 2004, on a date better known to the Respondent, until January 27, 2004, the Respondent, OSBORN HOMES, INC., caused or allowed the construction or installation of a sanitary sewer system without a permit from the Illinois EPA.

16. By constructing or installing a sanitary sewer system without a permit granted by the Illinois EPA, the Respondent, OSBORN HOMES, INC., has violated Section 12(c) of the Act, 415 ILCS 5/12(c) (2004), and Section 309.202(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.202(a).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the People of The State of Illinois, respectfully request that the Board enter an order against Respondent, OSBORN HOMES, INC.:

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

B. Finding that Respondent have 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 against Respondent 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

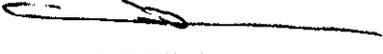
F. Granting such other relief as the Board may deem appropriate.

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:

KRISTEN LAUGHRIDGE  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

Dated: 9/28/05