

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
by LISA MADIGAN, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	No.
	)	
v.	)	(Enforcement – Water)
	)	
PRAIRIE MATERIAL SALES, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

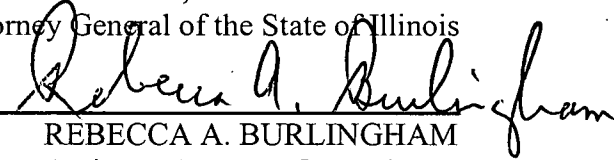
PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Pollution Control Board the following Complaint, a copy of which is attached and hereby served on you.

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 pollution.

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

By: 

REBECCA A. BURLINGHAM  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
(312) 814-3776

**SERVICE LIST**

Prairie Material Sales, Inc.  
c/o William Glusac, President  
7601 West 79<sup>th</sup> Street  
P.O. Box 1123  
Bridgeview, IL 60455

Prairie Material Sales, Inc.  
c/o Dorothy A. Oremus  
Secretary and Registered Agent  
7601 West 79<sup>th</sup> Street  
P.O. Box 1123  
Bridgeview, IL 60455

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
by LISA MADIGAN, Attorney General	)	
of the State of Illinois,	)	
	)	PCB No.
Complainant,	)	
	)	(Enforcement – Water)
v.	)	
	)	
PRAIRIE MATERIAL SALES, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), complains of the Respondent, PRAIRIE MATERIAL SALES, INC. (“Prairie Material”), an Illinois corporation, as follows:

**COUNT I**

**WATER POLLUTION**

1. This Count is brought on behalf of the People of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, at the request of the Illinois EPA and pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2006).

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 (2006), and is charged, *inter alia*, with the duty of enforcing the Act. The Illinois EPA is further charged with the duty to abate violations of the National Pollutant Discharge Elimination System (“NPDES”)

permit program under the Federal Clean Water Act ("CWA"), 33 USC §1342(b)(7) (2007).

3. At all times relevant to this Complaint, Respondent Prairie Material was and is an Illinois corporation registered to do business in the State of Illinois.

4. At all times relevant to this Complaint, Respondent Prairie Material owned and operated a concrete production facility in its Yard 1014 located at 799 South Route 53 in the Village of Addison, DuPage County, Illinois ("Facility" or "Site").

5. At the Facility, Prairie Material engages in the batching of aggregate and cementitious materials to produce ready-mix concrete.

6. Stormwater from activity on the Site drains to a ditch just east of the Facility, which travels under a railroad right of way, through a wooded area, along Jeffery Drive and discharges to a wetland area in DuPage County.

7. Prior to November 17, 2006, on a date or dates better known to Prairie Material, Prairie Material discharged process wastewater from the Facility into a drainage ditch, tributary to the wetland area described in paragraph 6, above.

8. On November 17, 2006, the Illinois EPA conducted an inspection of the Facility.

9. At the time of the November 17, 2006 inspection, there was a collection pond located on the Site. The collection pond contained process wastewater and stormwater. The wastewater contained sediments.

10. At the time of the November 17, 2006 inspection, there were sediments on a concrete block onto which effluent discharges from the pond flowed before entering the ditch.

11. At the time of the November 17, 2006 inspection, there were sediments in the ditch at the entry point for discharges from the pond to the ditch.

12. At the time of the November 17, 2006 inspection, there were sediments along an approximately one-half mile length of the ditch downstream from the point where Prairie Material's discharge entered the ditch.

13. Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), provides as follows:

No person shall:

- a. Cause or threaten or allow the discharge of any contaminant 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.

14. Section 3.315 of the Act, 415 ILCS 5/3.315 (2006), contains 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.

15. Respondent Prairie Material, a corporation, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2006).

16. Section 3.165 of the Act, 415 ILCS 5/3.165 (2006), contains the following definition:

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

17. Process wastewater and sediments are "contaminants" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2006).

18. Section 3.550 of the Act, 415 ILCS 5/3.550 (2006), 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.

19. The drainage ditch receiving discharges from the collection pond and the wetland area receiving flows from the drainage ditch are “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2006).

20. Section 3.545 of the Act, 415 ILCS 5/3.545 (2006), contains 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.

21. Prairie Material caused, threatened or allowed stormwater contaminated with process wastewater containing sediments to be discharged into a ditch tributary to a wetland area in DuPage County. Such discharge altered, or threatened to alter, the physical, thermal, chemical, or radioactive properties of the ditch and wetland area, or was likely to render the ditch and wetland area harmful, detrimental, or injurious to wild animals, birds, fish, or other aquatic life, or created, or was likely to create, a nuisance.

22. By its actions and omissions, Prairie Material caused, threatened, or allowed water pollution, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, PRAIRIE MATERIAL SALES, INC.:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006);
3. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2006);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

## **COUNT II**

### **OFFENSIVE DISCHARGES**

- 1-19. Complainant realleges and incorporates by reference herein, paragraphs 1 through 19 of Count I as paragraphs 1 through 19 of this Count II.
20. Prairie Material's discharges are subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and the Illinois

EPA. The Board's regulations for water pollution are found in Title 35, Subtitle C, Chapter I of the Illinois Administrative Code ("Board Water Pollution Regulations").

21. Section 301.275 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 301.275, contains the following definition:

"Effluent" means any wastewater discharged directly or indirectly, to the waters of the State or to any storm sewer.

22. Section 301.425 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 301.425, contains the following definition:

"Wastewater" means sewage, industrial waste or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

23. Prairie Material's discharge from the Site was "wastewater" as that term is defined in Section 301.425 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.425.

24. Prairie Material's discharge from the Site into the drainage ditch and the tributary wetland area was "effluent" as that term is defined in Section 301.275 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.275.

25. Part 304, Subpart A, of the Board Water Pollution Regulations, 35 Ill. Adm. Code Part 304, Subpart A, establishes general effluent standards for waters of the State.

26. Section 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.105, provides, in pertinent part, as follows:

In addition to the other requirements of this Part, no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard.



27. Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 304.106, provides as follows:

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.

28. On November 17, 2006, and on another date or dates better known to Prairie Material, Prairie Material caused or allowed stormwater contaminated with process wastewater, containing settleable solids, to be discharged from the Site to waters of the State of Illinois.

29. Prairie Material, by its actions alleged herein, caused or allowed offensive discharges, in violation of Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106.

30. By discharging an effluent in violation of a water quality standard, Prairie Material violated Section 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.105.

31. By causing or allowing the discharge of stormwater contaminated with process wastewater containing solids into waters of the State of Illinois in violation of Board regulations, Prairie Material violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, PRAIRIE MATERIAL SALES INC.:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), and Sections 304.105 and 304.106 the Board Water Pollution regulations, 35 Ill. Adm. Code 304.105 and 304.106;
3. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), and Sections 304.105 and 304.106 the Board Water Pollution regulations, 35 Ill. Adm. Code 304.105 and 304.106;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

**COUNT III**

**WATER POLLUTION HAZARD**

- 1-19. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and paragraphs 14 through 20 of Count I as paragraphs 1 through 19 of this Count III.
20. Section 12(d) of the Act, 415 ILCS 5/12(d) (2006), provides as follows:  
No person shall:  
\* \* \*

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

21. On November 17, 2006, and on another date or dates better known to Prairie Material, Prairie Material caused or allowed wastes to be deposited on the land that ultimately entered its collection pond and caused or allowed the discharge of process wastewater into the collection pond at the Site.

22. Water from Prairie Material's collection pond discharged to a ditch, tributary to a wetland area in DuPage County.

23. By its actions as alleged herein, Prairie Material allowed contaminants to be placed on the ground so as to create a water pollution hazard, in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, PRAIRIE MATERIAL SALES INC.:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2006);
3. Ordering the Respondent to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2006);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

**COUNT IV**

**DISCHARGE OF PROCESS  
WASTEWATERS WITHOUT AN NPDES PERMIT**

1-19. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and paragraphs 14 through 19 of Count I and paragraph 20 of Count II as paragraphs 1 through 19 of this Count IV.

20. The federal Clean Water Act regulates the discharge of pollutants from a point source into navigable waters and prohibits such point source discharges without an NPDES permit. The United States Environmental Protection Agency (“USEPA”) administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State.

21. Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), provides, in pertinent part, as follows:

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.

22. 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.

23. Section 301.240 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 301.240, contains the following definition:

“CWA” means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., Public Law 92-500 enacted by Congress October 18, 1972 as amended by the "Clean Water Act", Public Law 95-217, enacted December 12, 1977, as amended.)

24. Section 1362(14) of the CWA, 33 U.S.C.A. §1362(14) (2007), contains

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.

25. The point where the collection pond discharges to the drainage ditch, tributary to a wetland area, 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 USC §1362(14) (2007).

26. The Illinois EPA has never issued an NPDES permit authorizing the point source discharged alleged herein.

27. On November 17, 2006, and on another date or dates best known to Prairie Material, Prairie Material caused or allowed the discharge of process wastewater and contaminated stormwater to flow into a drainage ditch, tributary to wetland area, in DuPage County.

28. By discharging process wastewater and contaminated stormwater into the waters of the State without an NPDES permit, Prairie Material violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, PRAIRIE MATERIAL SALES INC.:

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

2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

3. Ordering the Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

4. Assessing against Respondent, pursuant to Section 42(b)(1) of the Act, a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act and Section 309.102(a) of the Board Water Pollution Regulations;

5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

**COUNT V**

**FAILURE TO OBTAIN AN NPDES STORMWATER PERMIT FOR CONSTRUCTION SITE ACTIVITIES**

1-25. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and paragraphs 14 through 19 of Count I, paragraph 20 of Count II, and paragraphs 20 through 25 of Count IV as paragraphs 1 through 25 of this Count V.

26. The USEPA has authorized the State of Illinois to issue NPDES permits through the Illinois EPA in compliance with federal regulations, including storm water discharges regulated by 40 CFR 122.26, which requires a person to obtain an NPDES permit and to implement a storm water pollution prevention plan for construction activity including clearing, grading and excavation.

27. In pertinent part, 40 CFR 122.26(a) provides as follows:

(a) Permit requirement.

\* \* \* \* \*

(9)(i) On and after October 1, 1994, for discharges composed entirely of storm water, that are not required by paragraph (a)(1) of

this section to obtain a permit, operators shall be required to obtain a NPDES permit only if:

\* \* \*

(B) The discharge is a storm water discharge associated with small construction activity pursuant to paragraph (b)(15) of this section;

28. In pertinent part, 40 CFR 122.26(b) provides as follows:

(b) Definitions.

\* \* \*

15) Storm water discharge associated with small construction activity means the discharge of storm water from:

i) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. . . .

29. At the time of the Illinois EPA's November 17, 2006 inspection, Prairie Material had commenced construction of a process water recycling/stormwater detention pond system on the Site. The purpose of the process water recycling system is to segregate process water from site stormwater runoff. The purpose of the detention pond is to detain site stormwater and allow sedimentation of solids from stormwater prior to discharge.



30. The construction of the process water recycling/stormwater detention pond system exceeded one acre and was a "small construction activity", as that term is defined in 40 CFR 122.26(b)(15)(i).

31. At the time of the November 17, 2006 inspection, Prairie Material had not obtained an NPDES permit authorizing the discharge of stormwater associated with its construction activities.

32. On February 17, 2007, the Illinois EPA granted Prairie Material coverage under the general NPDES stormwater permit for its process water recycling and stormwater detention pond system.

33. From at least November 17, 2006 through February 17, 2007, the Site was not covered under an NPDES stormwater permit.

34. By disturbing over one acre of land at the Site without first obtaining coverage under the general NPDES storm water permit for construction site activities prior to initiating improvements to its process water recycling/stormwater detention pond system, Prairie Material violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, PRAIRIE MATERIAL SALES, INC.:

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

2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
3. Ordering the Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
4. Assessing against Respondent, pursuant to Section 42(b)(1) of the Act, a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act and Section 309.102(a) of the Board Water Pollution Regulations;
5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

**COUNT VI**

**VIOLATION OF EFFLUENT LIMITATIONS**

1-24. Complainant realleges and incorporates by reference herein paragraphs 1 through 19 of Count I and paragraphs 20 through 24 of Count II as paragraphs 1 through 24 of this Count VI.

25. Section 304.124 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.124, provides in relevant part as follows:

- a) No person shall cause or allow the concentration of the following constituents in any effluent to exceed the following levels, subject to the averaging rules contained in Section 304.104(a):

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Total Suspended Solids (from sources other than those covered by Section 304.120)	00530	15.0

26. Section 304.125 of the Board Water Pollution Regulations, 35 Ill. Adm.

Code 304.125, provides in relevant part as follows:

a) Except as provided below no person shall cause or allow the negative logarithm of the hydrogen ion concentration (pH) in any effluent to be more or less respectively than the maximum and minimum values for ph range indicated in the following table:

CONSTITUENT	STORET NUMBER	CONCENTRATION [standard units]
pH	00400	6-9

27. On November 8, 2006, the Village of Addison sampled the effluent discharge from the collection pond on the Site.

28. Analytical testing of the sample revealed that it had a total suspended solids ("TSS") concentration of 402 milligrams per liter ("mg/l") and a pH level of 11.54 standard units.

29. On November 8, 2006, and on another date or dates better known to Prairie Material, Prairie Material allowed discharges from the Site of effluent containing a TSS concentration in excess of the 15.0 mg/l regulatory limit, in violation of Section 304.124 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.124.

30. On November 8, 2006, and on another date or dates better known to Prairie Material, Prairie Material allowed discharges from the Site of effluent containing

a pH level in excess of the regulatory maximum of 9 standard units, in violation of Section 304.125 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.125.

31. By discharging effluent so as to violate Board regulations, Prairie Material violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2006).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, PRAIRIE MATERIAL SALES, INC.:

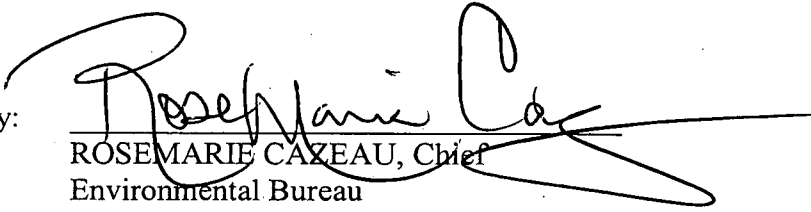
1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), and Sections 304.124 and 304.125 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.124 and 304.125;
3. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2006), and Sections 304.124 and 304.125 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.124 and 304.125;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

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

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

By:

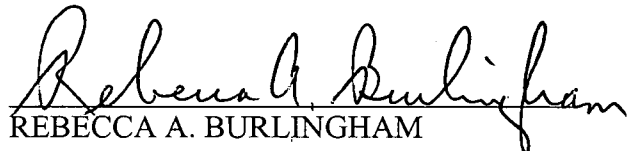
  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:

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rburlingham@atg.state.il.us

**CERTIFICATE OF SERVICE**

I, REBECCA A. BURLINGHAM, an Assistant Attorney General, do certify that I caused to be mailed this 13th day of February, 2008, the foregoing Complaint and Notice of Filing upon the persons listed on said notice, by certified mail.



REBECCA A. BURLINGHAM

Assistant Attorney General

Environmental Bureau

69 West Washington, 18<sup>th</sup> Floor

Chicago, IL 60602

312-814-3776