

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 MOLINE PLACE DEVELOPMENT,)
 L.L.C. and CROSSTOWNE PLACE)
 DEVELOPMENT, L.L.C.,)
)
 Respondent.)

**PCB No. 07-53
(Enforcement)**

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

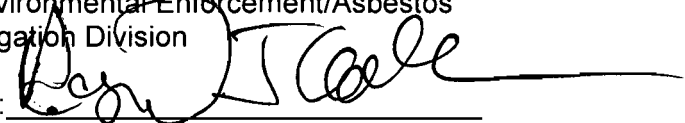
PLEASE TAKE NOTICE that on February 24, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR SUMMARY JUDGMENT - MOLINE PLACE, a copy of which is attached hereto and herewith served upon you.

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

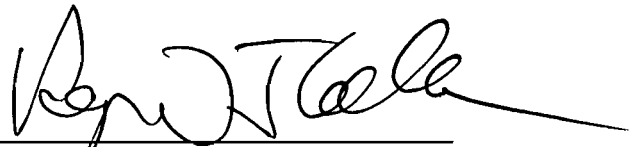
BY: 

Raymond J. Callery
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: February 24, 2010

CERTIFICATE OF SERVICE

I hereby certify that I did on February 24, 2010, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and MOTION FOR SUMMARY JUDGMENT - MOLINE PLACE upon the persons listed on the Service List.

A handwritten signature in black ink, appearing to read 'Raymond J. Callery', written over a horizontal line.

Raymond J. Callery
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Jennifer Martin
Hodge Dwyer & Driver
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	No. PCB 07-053
)	(Enforcement-Water)
)	
MOLINE PLACE DEVELOPMENT, L.L.C.,)	
and CROSSTOWNE PLACE)	
DEVELOPMENT, L.L.C.,)	
)	
Respondents.)	

MOTION FOR SUMMARY JUDGMENT- MOLINE PLACE

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 2-1005 of the Code of Civil Procedure, 735 ILCS 5/2-1005 (2008), and Section 101.516 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.516, hereby moves for Summary Judgment against the Respondent, MOLINE PLACE DEVELOPMENT, L.L.C. ("Moline Place") on Counts I and II of the Complaint. On June 4, 2009, the Pollution Control Board granted Complainant's motion for summary judgment as to Respondent, Crosstowne Place Development, L.L.C., on Counts III and IV of the Complaint. On February 18, 2010, Respondent, Moline Place, filed its Answer to Counts I and II of Plaintiff's Complaint. Moline Place asserts no affirmative defenses. Complainant relies upon facts set forth in the Affidavit of James E. Kammueler (Exhibit "A" hereto). In support of this Motion, Complainant states as follows:

I. STATEMENT OF FACTS

Complainant relies on the following facts:

1. On January 3, 2007, Complainant filed its complaint against Moline Place.

2. Moline Place answered the Complaint on February 18, 2010 and asserted no affirmative defenses.

3. Moline Place is an Illinois limited liability company applying for re-instatement with the Illinois Secretary of State.

4. Michael R. Shamsie, 455 42nd. Avenue, East Moline, Illinois, is the registered agent for Moline Place and the principal office of the company is located at 455 Avenue of the Cities, East Moline, Illinois.

5. Mr. Shamsie is a licensed professional engineer and the president of an engineering firm known as Landmark Engineering Group, Inc. The principal office of Landmark Engineering Group, Inc. is located at 455 Avenue of the Cities, East Moline, Illinois.

6. Moline Place purchased property located at 7th Street and 11th Avenue, in Moline, Rock Island County, Illinois, for the purpose developing a residential housing area commonly referred to as One Moline Place.

7. One Moline Place consists of two sites: one of approximately thirteen acres on the east side of 7th Street and the second of approximately sixteen acres on the west side of 7th Street.

8. One Moline Place discharges storm water either to local streets and from there into the municipal storm sewers or directly into the municipal storm sewers at the site. The municipal storm sewer system discharges into a swift flowing portion of the Mississippi River known as the Sylvan Slough.

9. On December 22, 1997, Moline Place submitted a Notice of Intent ("NOI") to the Illinois Environmental Protection Agency ("Illinois EPA") for the One Moline Place project and was granted coverage under the general permit for storm water discharges associated with construction site activities as National Pollutant Discharge Elimination System ("NPDES") permit #ILR103796.

10. On November 6, 2002, Moline Place submitted a NOI to Illinois EPA for the One Moline Place project and was granted coverage under NPDES permit #ILR107509.

11. On July 23, 2003, NPDES permit #ILR103796 was terminated after Moline Place submitted to Illinois EPA a Notice of Termination ("NOT") of coverage dated July 16, 2003 and signed by Mr. Shamsie (Exhibit "B" hereto).

12. On August 14, 2003, NPDES permit #ILR107509 was terminated after Moline Place submitted to Illinois EPA a NOT of coverage dated August 5, 2003 and signed by Mr. Shamsie (Exhibit "C" hereto).

13. When he submitted the July 16, 2003 and August 5, 2003 NOT's on behalf of Moline Place, Mr. Shamsie certified under penalty of law that all disturbed soils at One Moline Place had been finally stabilized or that all storm water discharges associated with industrial activity from One Moline Place had been eliminated.

14. When Moline Place submitted the July 16, 2003 and the August 5, 2003 NOT's all disturbed soils at One Moline Place had not been finally stabilized nor had all storm water discharges associated with the project been eliminated. Construction activities were actually continuing at the site.

15. On March 24, 2004, James Kammuller of Illinois EPA first inspected the construction site at One Moline Place. At that time, roadway installation had commenced and house construction work was occurring on the east site. Sediment was collecting on the sidewalks and public streets as well as entering storm water inlets.

16. The City of Moline Public Works Department had been required to remove sediment from public roadways adjacent to One Moline Place since construction work had begun. Sediment leaving the One Moline Place construction site flowed down bluffs and down 6th Street onto 4th Avenue (Rte. 92) causing a traffic hazard.

17. On May 17, 2004, Illinois EPA issued NPDES permit #ILR10A460 to Moline Place after Moline Place submitted a third Notice of Intent ("NOI") dated April 12, 2004 and signed by Mr. Shamsie.

18. From August 14, 2003 through May 17, 2004 Moline Place had no coverage under the NPDES general permit for construction site activities although construction activities were proceeding at One Moline Place.

19. On May 20, 2004, Mr. KammueLLer re-inspected One Moline Place. At that time, construction work was occurring on the east site and some demolition work concerning a former dormitory building was occurring on the west site. Sediment continued leaving the site at numerous locations and entering city streets, sidewalks, and storm inlets. Erosion gullies were present near the storm water inlets.

20. On March 23, 2005, Mr. KammueLLer re-inspected the construction site at One Moline Place. At that time, sediment was still discharging from both the east and west sites to streets, sidewalks, and storm inlets. Most of the east site was still barren and vegetation cover that was present was not at 70% density. On the east site there were erosion channels, storm inlets covered with sediment, a severely damaged area of the straw bale system and off site sediment on the sidewalk and street. No Incidence of Noncompliance ("ION") reports had been submitted by Moline Place.

21. On November 9, 2005, Mr. KammueLLer re-inspected the construction site at One Moline Place. At that time, sediment was still discharging to streets, sidewalks, and storm inlets. Vegetation cover was not at 70% density. The straw bales in place were old and deteriorated. There was intentional bypassing of erosion controls at inlet no. 1. No ION reports had been submitted by Moline Place.

22. On January 27, 2006, Mr. KammueLLer re-inspected the construction site at One

Moline Place. At that time, no erosion controls were in place for construction activity areas and additional soil areas had been disturbed. Unprotected dirt dump-sites were present. Vegetation cover was not at 70% density. No ION reports had been submitted by Moline Place.

23. On March 23, 2006, Mr. KammueLLer re-inspected the construction site at One Moline Place. At that time, storm inlets were not protected. Sediment was leaving the site and entering nearby storm inlets. The only interim erosion controls were deteriorated straw bales.

24. On September 13, 2007, Mr. KammueLLer re-inspected the construction site at One Moline Place. At that time, the old and deteriorated straw bales at the site were not protecting storm water inlets. Storm water inlets were covered with sediment. New construction activity areas were not protected to keep sediment out of the public streets. Demolition of the dormitory building was underway and no erosion controls were provided to keep demolition debris run-off from the streets and storm water inlets.

25. A City of Moline inspection on June 29, 2009, in response to a citizen complaint, confirmed that sediment was continuing to leave the One Moline Place construction site, that areas of the site lacked erosion controls, and that erosion controls in place were ineffective.

26. On June 30, 2009, the City of Moline issued its Notice and Order to Moline Place pursuant to the municipal Storm Water Ordinance for continuing storm water violations at One Moline Place (Exhibit "D" hereto).

27. The NPDES permits issued to Moline Place required it to develop a Storm Water Pollution Prevention Plan ("SWPPP") according to good engineering practices and implementation of the SWPPP by Moline Place was a condition of the permit (objection by Respondent).

28. Moline Place conducted construction site activities at One Moline Place without NPDES permit coverage during 2003 and 2004.

29. Moline Place caused or allowed large amounts of sediment from the One Moline

Place site to collect on sidewalks and public streets and enter the municipal storm water system from at least March 24, 2004 through at least June 29, 2009 due to inadequate storm water erosion controls.

30. Moline Place failed to properly operate and maintain erosion and sediment control measures at One Moline Place.

31. Moline Place failed to have disturbed portions of the One Moline Place site where construction activities had temporarily or permanently ceased stabilized with appropriate measures no later than 14 days after the last construction activity in that area.

32. Moline Place failed to have qualified personnel perform inspections of disturbed areas of the One Moline Place construction site that had not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snow.

33. Moline Place failed to submit within 5 days an "Incidence of Noncompliance" ("ION") report for violations of the SWPPP observed during a periodic inspection.

II. ARGUMENT

Counts I (Water Pollution) and II (Permit Violations) of the Complaint are directed at Moline Place. Attached hereto as Exhibit "A" is the Affidavit of James Kammuehler and his inspection reports.

Michael R. Shamsie is the agent for Moline Place. Mr. Shamsie is also a licensed professional engineer and the president of an engineering firm known as Landmark Engineering Group, Inc. Landmark Engineering Group, Inc. has approximately 30 employees in four offices: Elgin and East Moline, Illinois; Clinton, Iowa; and Kansas City, Missouri. Its staff includes licensed engineers and land surveyors. Among the services provided by Landmark Engineering Group, Inc.

are "commercial and residential site design."¹ As a licensed professional engineer and president of Landmark Engineering Group, Inc. Mr. Shamsie was well aware of the requirements of obtaining coverage under the general NPDES storm water permit and of preparing and implementing an adequate SWPPP.

The Mississippi River satisfies the definition of "waters" of the State as that term is defined in Section 3.550 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/3.550 (2008). The storm water discharged from the One Moline Place site constitutes a "contaminant" as defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2008). The storm water system at One Moline Place constitutes a "point source" as that term is defined in the federal Clean Water Act, 33 U.S.C. § 1362(14).

Illinois EPA issued NPDES permit Nos. ILR103796 and ILR107509 to Moline Place to cover construction site activities at One Moline Place. The NPDES permits issued to Moline Place required it to develop a SWPPP according to good engineering practices (Permit, Part IV). Implementation of the provisions of the SWPPP is a condition of the NPDES permit. The SWPPP must be completed prior to the start of the construction. (Permit, Part IV.A.1). The SWPPP must be signed and retained on site (Permit, Part IV.B.1). "Final stabilization" means that a uniform perennial vegetative cover with a density of 70% cover for unpaved areas and areas not covered by permanent structures has been established (Permit, Part VIII).

On July 23, 2003, NPDES permit #ILR103796 was terminated after Moline Place submitted a NOT dated July 16, 2003 and signed by Mr. Shamsie. On August 14, 2003, NPDES permit #ILR107509 was terminated after Moline Place submitted a NOT dated August 5, 2003 and signed by Mr. Shamsie. When he submitted the July 16, 2003 and August 5, 2003 NOT's on behalf of Moline Place, Mr. Shamsie certified under penalty of law that all disturbed soils at One Moline Place

¹ Landmark Engineering Group, Inc., www.landgroup.biz (accessed on February 24, 2010).

had been finally stabilized or that all storm water discharges associated with industrial activity from One Moline Place had been eliminated. In fact, as is documented by Mr. Kammuehler's inspections, all disturbed soils at One Moline Place had not been finally stabilized nor had all storm water discharges associated with the project been eliminated. Construction activities were actually continuing at the site.

Moline Place continued construction site activities at the One Moline Place site without coverage under the NPDES permit during 2003 and 2004. Moline Place caused or allowed large amounts of sediment from the One Moline Place site to collect on sidewalks and public streets and enter the municipal storm water system from at least March 24, 2004 through at least June 29, 2009 due to inadequate storm water erosion controls. Moline Place failed to properly operate and maintain erosion and sediment control measures at One Moline Place. Moline Place failed to have disturbed portions of the One Moline Place site where construction activities had temporarily or permanently ceased stabilized with appropriate measures no later than 14 days after the last construction activity in that area (Permit, Part IV.D.2). Moline Place failed to have qualified personnel perform inspections of disturbed areas of the One Moline Place construction site that had not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snow (Permit, Part IV.D.2). Moline Place failed to submit within 5 days an "Incidence of Noncompliance" ("ION") report for violations of the SWPPP observed during a periodic inspection (Permit, Part IV.D.2).

There is no genuine issue of material fact as to any of the following: a) Moline Place caused, allowed or threatened to cause water pollution by failing to provide adequate storm water pollution controls, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a)(2008); b) Moline Place continued construction site activities at the One Moline Place site without coverage under the

general NPDES storm water permit, in violation of 35 Ill. Adm. Code 309.102(a) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2008); c) Moline Place failed to implement an adequate SWPPP in violation of 35 Ill. Adm. Code 309.102(a) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2008); and d) Moline Place submitted NOT's prior to final stabilization being achieved at the site in violation of 35 Ill. Adm. Code 309.102(a) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2008).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

After the Board finds a violation, the Board considers the factors set forth in Section 33(c) of the Act, 415 ILCS 5/33(c) (2008), to create an appropriate remedy. Those factors are:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Complainant states the following:

1. The water quality of the Mississippi River was adversely affected by the inadequate storm water pollution controls and Moline Place's failure to comply with the NPDES general storm water permits.
2. There is social and economic benefit in the construction of new homes at the site.
3. Construction activity at the site was suitable for the area in which it occurred.

4. Providing adequate storm water pollution controls and complying with the NPDES general storm water permits were both technically practicable and economically reasonable.

5. Some efforts were made by Moline Place to provide and maintain additional erosion controls at the site but sediment continued to leave the site at numerous locations and entered city streets, sidewalks, and storm inlets. NPDES permit coverage was terminated for the site in 2003 although final stabilization had not been achieved and construction activities continued.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

To impose a civil penalty, the Board must consider the factors contained within Section 42(h) of the Act, 415 ILCS 5/42(h) (2008). Those factors are:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;

6. whether the respondent voluntarily self-disclosed, in accordance with subsection (l) of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the Complainant states as follows:

1. When James KammueLLer first inspected the construction site at One Moline Place on March 24, 2004, sediment was collecting on the sidewalks and public streets as well as entering storm water inlets. Mr. KammueLLer performed follow-up inspections at the site on May 20, 2004, March 23, 2005, November 9, 2005, January 27, 2006, March 23, 2006, and September 13, 2007. On each follow-up inspection Mr. KammueLLer observed continuing violations. On June 30, 2009, the City of Moline issued its Notice and Order to Moline Place as a result of storm water ordinance violations observed by a city inspector on June 29, 2009. Large amounts of sediment from the One Moline Place site collected on sidewalks and public streets and entered the municipal storm water system from at least March 24, 2004 through at least June 29, 2009.

2. Moline Place did not act with due diligence to resolve these violations. Although subsequent to Mr. KammueLLer initial inspection on March 24, 2004, some efforts were made by Moline Place to provide and maintain additional erosion controls, numerous inadequacies in the measures were observed during Illinois EPA inspections. Following Mr. KammueLLer's March 2004 inspection, Moline Place did submit a third NOI for coverage under the general NPDES permit dated April 12, 2004, and NPDES permit No. ILR10A460 was issued to Moline Place on May 17,

2004. The City of Moline inspection on June 29, 2009, confirmed that sediment was continuing to leave the One Moline Place construction site, that areas of the site lacked erosion controls, and that erosion controls in place were ineffective.

3. Moline Place delayed or avoided the costs of implementing adequate erosion control measures at the site for, at minimum, a period exceeding five years, prematurely terminated the NPDES permit coverage for the site, and delayed obtaining new coverage under the general NPDES permit. Moline Place benefitted economically as a result of these acts of non-compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Forty-Five Thousand Dollars (\$ 45,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board Regulations. On June 4, 2009, the Board awarded a penalty of \$15,000.00 against co-defendant, CROSSTOWNE PLACE DEVELOPMENT, L.L.C., concerning a smaller site with violations of a shorter duration.

5. To Complainant's knowledge, Moline Place has no previously adjudicated violations of the Act.

6. Moline Place did not voluntarily disclose the violations involved in this case.

7. The adjudication of this matter does not include a supplemental environmental project.

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter a final order:

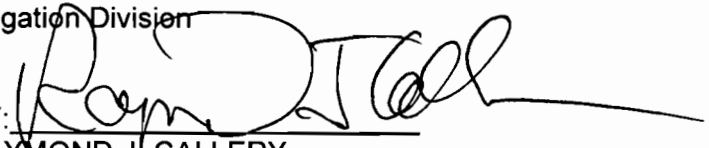
A) Granting Complainant's motion for summary judgment on Counts I and II of the Complaint;

- B) Finding that the Respondent, MOLINE PLACE DEVELOPMENT, L.L.C., violated Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) (2008), and 415 ILCS 5/12(f) (2008), and Section 309.102(a) of the Board's Regulations, 35 Ill. Adm. Code 309.102(a);
- C) Ordering the Respondent, MOLINE PLACE DEVELOPMENT, L.L.C., to cease and desist from any further violations of the Act and associated Board Regulations;
- D) Ordering the Respondent, MOLINE PLACE DEVELOPMENT, L.L.C., to properly implement the SWPPP, comply with all requirements of the NPDES permit, and, when final stabilization of the site has been accomplished and all storm water discharges from construction activities have been eliminated, to submit a Notice of Termination to Illinois EPA.
- E) Awarding the Complainant a penalty of \$45,000 for the violations of the Act and associated Board Regulations;
- F) Granting such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

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

BY: 
RAYMOND J. CALLERY
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

Dated: February 24, 2010.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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vs.)	No. PCB 07-053
)	(Enforcement-Water)
Moline Place Development, L.L.C., and)	
Crosstowne Place Development, L.L.C.,)	
)	
Respondents)	

AFFIDAVIT OF JAMES E. KAMMUELLER

Upon penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that I verily believes the same to be true:

1. I, JAMES E. KAMMUELLER, am employed by the Illinois Environmental Protection Agency ("Illinois EPA"), as an inspector for the Division of Water Pollution Control, Field Operations Section, Peoria Region. I have been employed with Illinois EPA since 1970.

2. As part of my duties with Illinois EPA I inspected the residential housing development known as One Moline Place located at 7th Street and 11th Avenue, in Moline, Illinois on March 24, 2004, May 20, 2004, August 10, 2004, March 23, 2005, November 9, 2005, January 27, 2006, March 23, 2006, and September 13, 2007.

3. My inspections of One Moline Place included walking around the site, observing the conditions present at the site, taking photographs, and preparing reports documenting my observations and factual conclusions.

4. My reports concerning my inspections of the One Moline Place site on March 24, 2004, May 20, 2004, August 10, 2004, March 23, 2005, November 9, 2005, January 27, 2006, March 23, 2006, and September 13, 2007 are attached to this affidavit and accurately record my

observations and factual conclusions with respect to this site.

5. My inspection reports were made in the regular course of business and it is in the regular course of business of Illinois EPA to create and maintain such records. These reports were prepared at the time of my inspection or within a reasonable time thereafter.

6. On December 22, 1997, Moline Place submitted a Notice of Intent ("NOI") to the Illinois Environmental Protection Agency ("Illinois EPA") for the One Moline Place project and was granted coverage under the general permit for storm water discharges associated with construction site activities as National Pollutant Discharge Elimination System ("NPDES") permit #ILR103796.

7. On November 6, 2002, Moline Place submitted a NOI to Illinois EPA for the One Moline Place project and was granted coverage under NPDES permit #ILR107509.

8. On July 23, 2003, NPDES permit #ILR103796 was terminated after Moline Place submitted to Illinois EPA a Notice of Termination ("NOT") of coverage dated July 16, 2003 and signed by Mr. Shamsie.

9. On August 14, 2003, NPDES permit #ILR107509 was terminated after Moline Place submitted to Illinois EPA a NOT of coverage dated August 5, 2003 and signed by Mr. Shamsie.

10. When Moline Place submitted the July 16, 2003 and the August 5, 2003 NOT's all disturbed soils at One Moline Place had not been finally stabilized nor had all storm water discharges associated with the project been eliminated. Construction activities were actually continuing at the site.

11. Moline Place did submit a third NOI for coverage under the general NPDES permit dated April 12, 2004 and NPDES permit No. ILR10A460 was issued to Moline Place on May 17, 2004.

12. Moline Place conducted construction site activities at One Moline Place without NPDES permit coverage during 2003 and 2004.

13. I have reviewed the City of Moline's Notice and Order to Moline Place dated June 30, 2009 which documents insufficient and ineffective erosion controls at the One Moline Place site based upon a June 29, 2009 city inspection.

14. Moline Place caused or allowed large amounts of sediment to discharge from the One Moline Place site and collect on sidewalks and public streets and enter the municipal storm water system from at least March 24, 2004 through at least June 29, 2009 due to inadequate storm water erosion controls.

15. Moline Place failed to properly install, operate and maintain erosion and sediment release control measures at One Moline Place.

16. Moline Place failed to have disturbed portions of the One Moline Place site where construction activities had temporarily or permanently ceased stabilized with appropriate measures no later than 14 days after the last construction activity in that area.

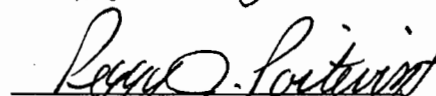
17. Until May 2004, Moline Place failed to have qualified personnel perform inspections of disturbed areas of the One Moline Place construction site that had not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snow.

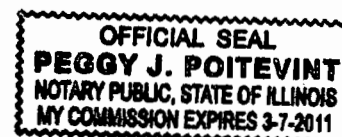
18. Moline Place failed to submit within 5 days an "Incidence of Noncompliance" ("ION") report for violations of its NPDES permits and storm water pollution prevention plan ("SWPPP") observed during its periodic inspections.

FURTHER AFFIANT SAYETH NOT.


JAMES E. KAMMUELLER

Subscribed and Sworn to before me
this 1st day of Feb., 2010.


NOTARY PUBLIC



SUBJECT: Rock Island County - One Moline Place
(Moline) Storm Water Inspection
ILR107509

TO: DWPC/FOS and RU

FROM: J. KammueLLer

DATE: March 24, 2004

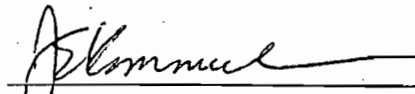
INTERVIEWED: -Mike Waldron, Moline Public Works Director (309-738-0742)
(By phone 3-25-04)

-Mike Shamsie, Owner, by phone 4-2-04, (309-755-3400)

On the above date, I made some brief observations at the subject construction site. This property consists of 2 sites, divided by 7th Street, located at 7th St. and 11th Ave. that was formerly the Moline Hospital and nurse's dormitory. The dorm is on the west side of 7th St. The hospital and parking lot was on the east side. Construction work was occurring on the east side. Road installation had occurred and much of the site soil appeared barren. Some silt fence was noted but controls did not appear adequate to address the entire site. Mr. Waldron indicated the City has had to remove sediment from adjacent public roadways during this project.

The files indicate Mr. Shamsie, who owns Landmark Engineering, terminated the storm water permit for this site in August 2003 indicating final stabilization was accomplished. I called Mike on April 2, 2004. He indicated some straw bales had been placed on the north and south ends of both sites and some erosion control blankets had also been placed in certain areas of both sites. He indicated utility installation work was presently underway with construction of dwellings to begin ASAP. He said the subject permit was only for the east site. I advised to renew this permit, or obtain a new one, until work was done and final stabilization had actually occurred. I also advised of the need to modify the P2 plan and that tire washing might be needed to reduce tracking of mud onto public roadways.

The east site (13 acres) is to ultimately include 14 homes, 17 cottages/villas, 24 condos and 36 townhouses. The west site (16 acres) is to include the existing dorm converted to 60 independent living units, 18 homes, 24 condos and 5 villas.


James E. KammueLLer

EK

Attachment: NOT

cc: -Peoria Files

Electronic Filing - Received, Clerk's Office, February 24, 2010

SUBJECT: Rock Island County - One Moline Place
(Moline) Storm Water Inspection
ILR107509 (Terminated)
Now ILR10A460 -Issued 5-17-04

TO: DWPC/FOS and RU

FROM: J. Kammueler

DATE: May 20, 2004

INTERVIEWED: Mike Shamsie, Owner/Developer (309-755-3400 or 269-9563)

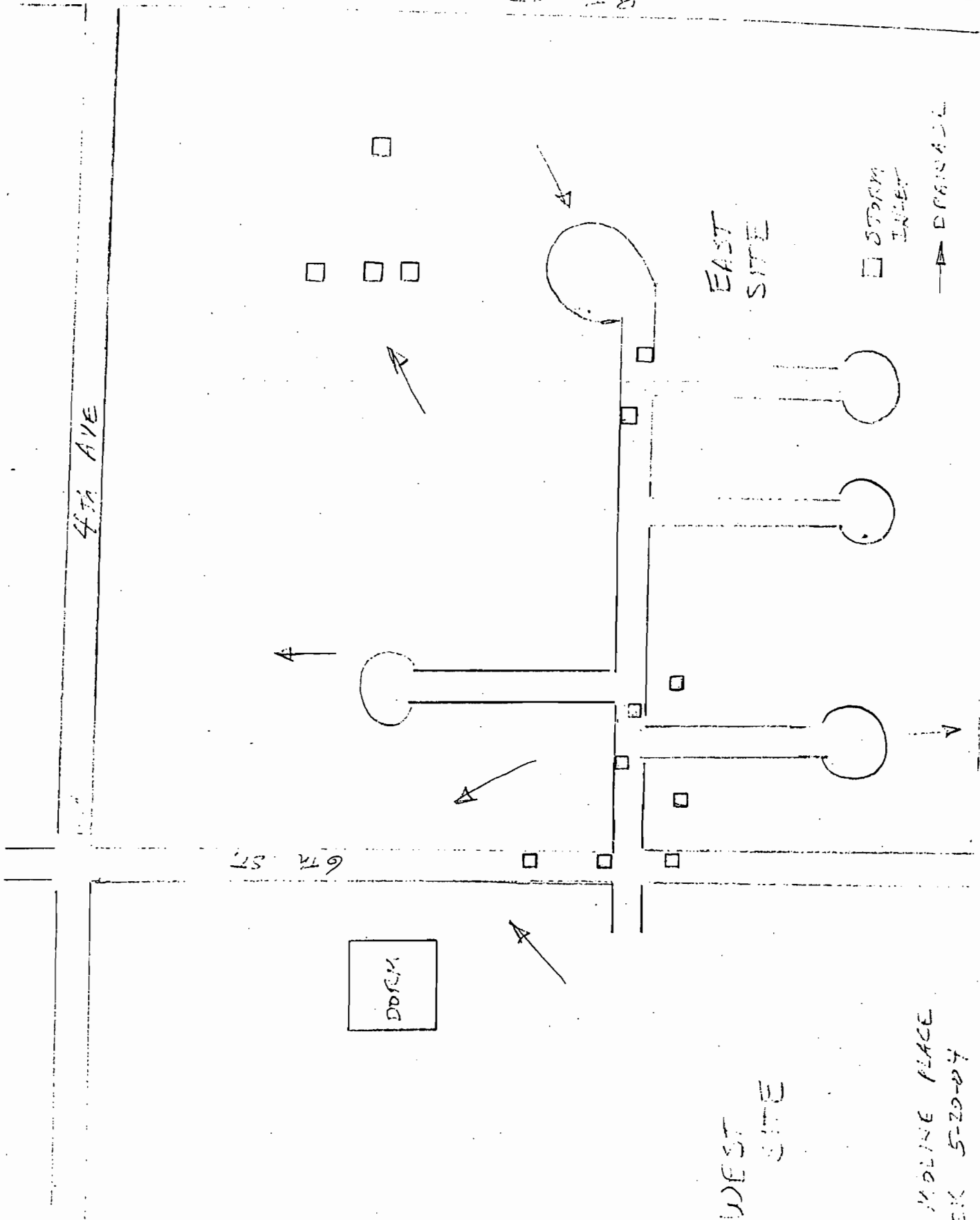
On the above date, I toured the subject construction site with Mike Shamsie as a follow-up to my previous inspection of 3-24-04 and VNL W-2004-00246. This property consists of 2 sites, divided by 6th Street (not 7th Street as stated in my 3-24-04 memo), located south of 6th St. and 4th Ave. (Route 92). This property was formerly the Moline Hospital and nurse's dormitory. The dorm is on the west side of 6th St. and is to become an independent living facility. The hospital and parking lot are on the east side. Construction work was occurring on the east side with some demolition also occurring on the west side. The east side work began last year and work done to date includes earthwork, street, curb, gutter, storm sewer and utilities installation. The west side is 15.5 acres and the east side is 13 acres.

Until the March inspection, inadequate work had been done to prevent soil erosion from both of these sites. The City of Moline had been removing sediment from 6th St. and 4th Ave. Sediment also enters storm inlets on 4th Ave. Sediment was present on 4th Ave during this visit with plumes leading into storm inlets. Sediment from the NE corner of the east site also discharges into 4 storm inlets on the property. Storm water leaves the east site from most directions including the west side to 6th St., the south side to 11th Ave. (sediment noted in the street), the north side down the bluff to 4th Ave. and from the NE corner to 8th St. Storm water from the west site flows mostly onto 6th St.

Last week Mr. Shamsie began installing straw bales at locations on both sites. Some seeding/fertilizing had been done on the west site along 6th St. This was covered with jute net. Grading was also being done on the north side of the east site to divert water away from 4th Ave toward the storm inlets at the NE corner of the east site. A revised storm water P2 plan had also been prepared and a new permit had been obtained. Inspection records were being maintained. Workers were installing bales during this visit and cleaning sediment off the surface of the streets in the east site.

P2 work done prior to this time (last year) included some silt fence along part of the west edge of the east site where there is a long and steep slope leading down to 6th St. This slope extends from the east side entrance road several hundred feet north toward 4th Ave. Considerable erosion was present on this slope. Some partial grass cover had been established near the entrance and some day lilies had been planted but only a few remained. Some grass cover had also been established on part of the NE slope of the east site.

200 12 81



ONE HOLLING PLACE
JFK 5-20-04

MEMORANDUM

SUBJECT: Rock Island County - One Moline Place
(Moline) Storm Water Inspection
ILR107509 (Terminated)
Now ILR10A460 -Issued 5-17-04

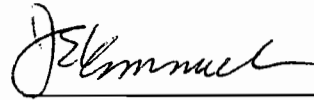
TO: DWPC/FOS and RU

FROM: J. KammueLLer

DATE: August 10, 2004

INTERVIEWED: Mike Shamsie, Owner/Developer - by phone 8-27-04 & 9-8-04 (309-755-3400 or 269-9563) (voice mail message left both times)

On the above date, I conducted the subject inspection. Since my May 20 visit work had been done to seed, grade and place straw bales at this site. However, much of the site was still barren and in need of vegetative cover. Improved erosion controls were still needed to keep sediment off of public roadways and out of the storm water inlets on the NE corner of the site.

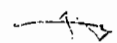


James E. KammueLLer

JEK

Attachment: Sketch with Comments
Photo Location Map
Photos

cc: -Peoria Files
-Mike Shamsie

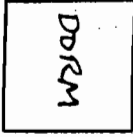


8-10-04 OBSERVATIONS

SEWAGE TREATMENT TRAIL 4TH AVE

6TH ST.

8TH ST.



FAIRLY GOOD GRASS COVER

GARDED

WEST SITE

ONE MOLINE PLACE
DEK 5-20-04

PARTIAL GRASS COVER

EROSION

BARREN

GRADED - SOME GRASS

BARREN

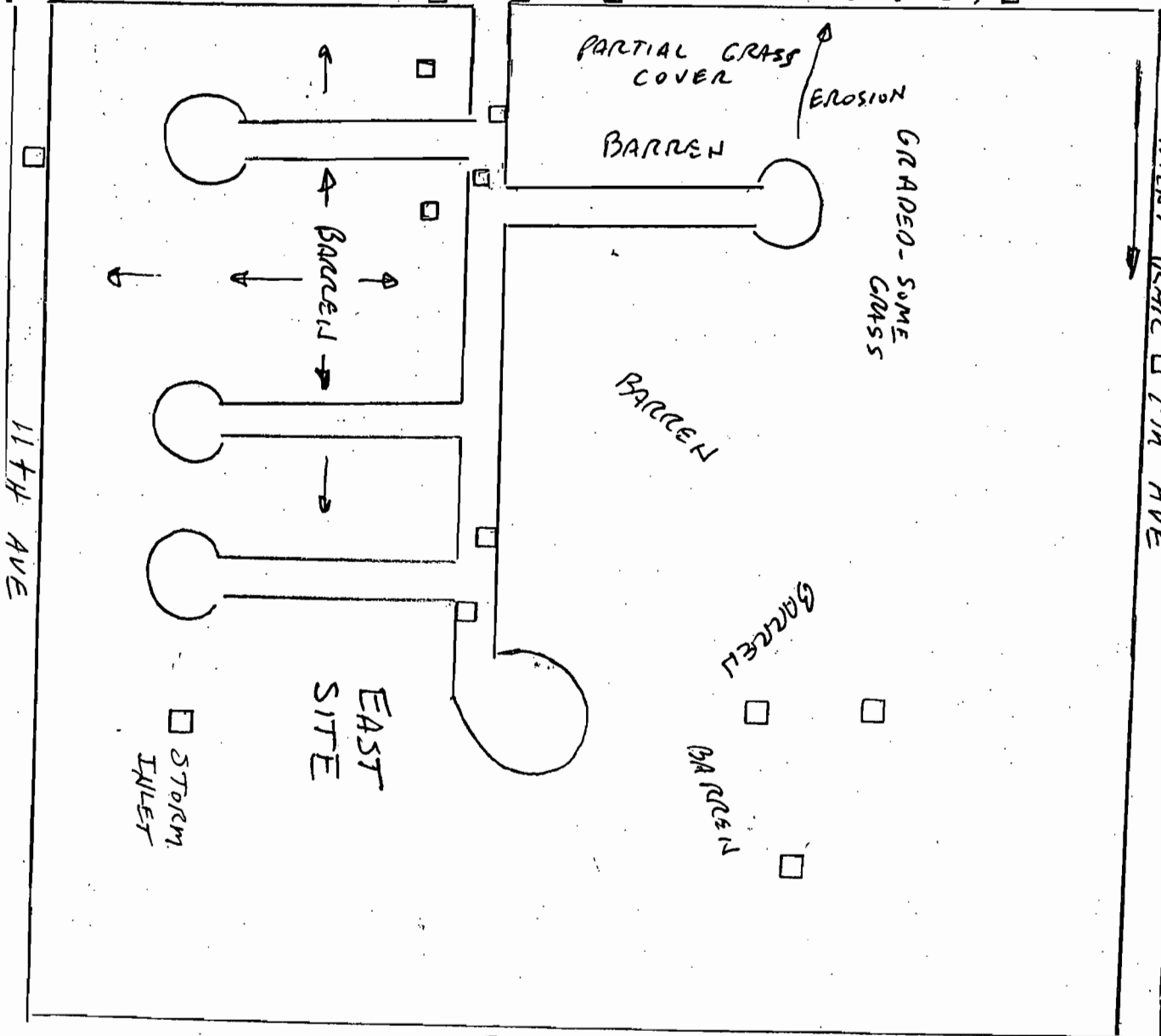
GARDED

GARDED

EAST SITE

STORM INLET

11TH AVE

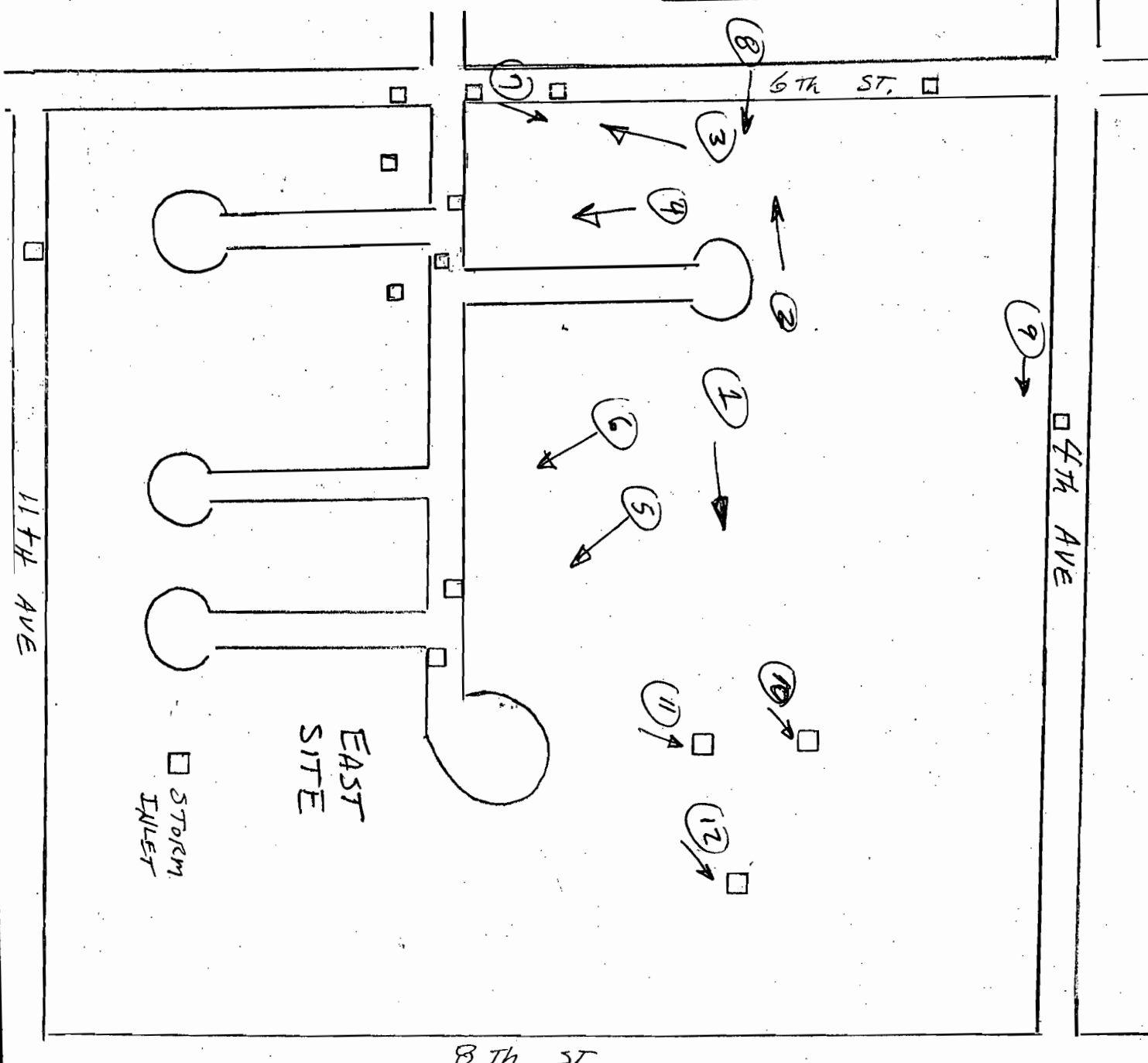


ONE MOLINE PLACE
DEK 5-20-04

WEST
SITE

DORM

EAST
SITE
STORM
INLET



8-10-04 PHOTO LOCATIONS

MEMORANDUM

SUBJECT: Rock Island County
(Moline) -One Moline Place (East & West Sites)
Storm Water Inspection
ILR107509 (Terminated)
Now ILR10A460 – Issued 5-17-04

TO: DWPC/FOS and RU

FROM: James E. KammueLLer, DWPC/FOS, Peoria Region

DATE: March 23, 2005

On the above date I conducted the subject inspection. Most of the east site was still barren and the vegetation that was present (north bluff area of "east site") did not appear to be 70% density. Some erosion was noted in places on the bluff area, and below the bluff, but snow cover hindered detailed observations. Site existing storm water inlets were either not protected or inadequately protected. Sediment was continuing to leave the east site along the north and northeast corners and had collected on the sidewalk and entered storm inlet(s) along 4th Avenue. The northeast area of the east side appeared to be experiencing the most sediment loss based on observations of eroded channels, including a "blow-out" of the straw bale system in one area, storm inlets covered with sediment, and off-site sediment on the sidewalk and street.

At the time of this visit the snowfall received the night before was beginning to melt and muddy run-off was leaving the east side of the east site and entering a storm inlet that was mostly covered with sediment (until I uncovered it).

Two homes were under construction on the east site, as was one villa and one cottage both of which appeared nearly complete. Some of the straw bales shown in the photos submitted by owner Mike Shamsie, under the 5-21-05 cover letter, were removed – apparently for construction, construction damage and/or age deterioration.

In the area of the east site where the new streets have been built, and housing is now being built, the measures in place to keep sediment off of streets and out of the new street storm inlets were largely non-existent and or inadequate. The rolled burlap dams in front of several of the inlets were placed to leave about 6" of the inlet open to receive water, and most barren areas drained directly to the streets.

The 5-04 revised P2 plan does not include a site map, locations of existing storm inlets, measures to protect the inlets and other information as required by Part IV of the permit.

No new home or condo construction had begun on the west site. This site was not closely inspected south of the old dorm. North of the old dorm, sediment was leaving the northeast corner of this site and entering an unprotected storm water inlet, and also 6th St.

Once the spring rains begin, it appeared that larger quantities of sediment would be discharging from this site due to the areas that have been allowed to remain barren the past 2

years. of more. A study hospital demolition, with the
Electronic Filing Received, Clerk's Office, February 24, 2010
hospital demolition work on the east side apparently occurring before, or no later than, 2003.
The west site is 13 acres and the east site is 15 acres.

Summary

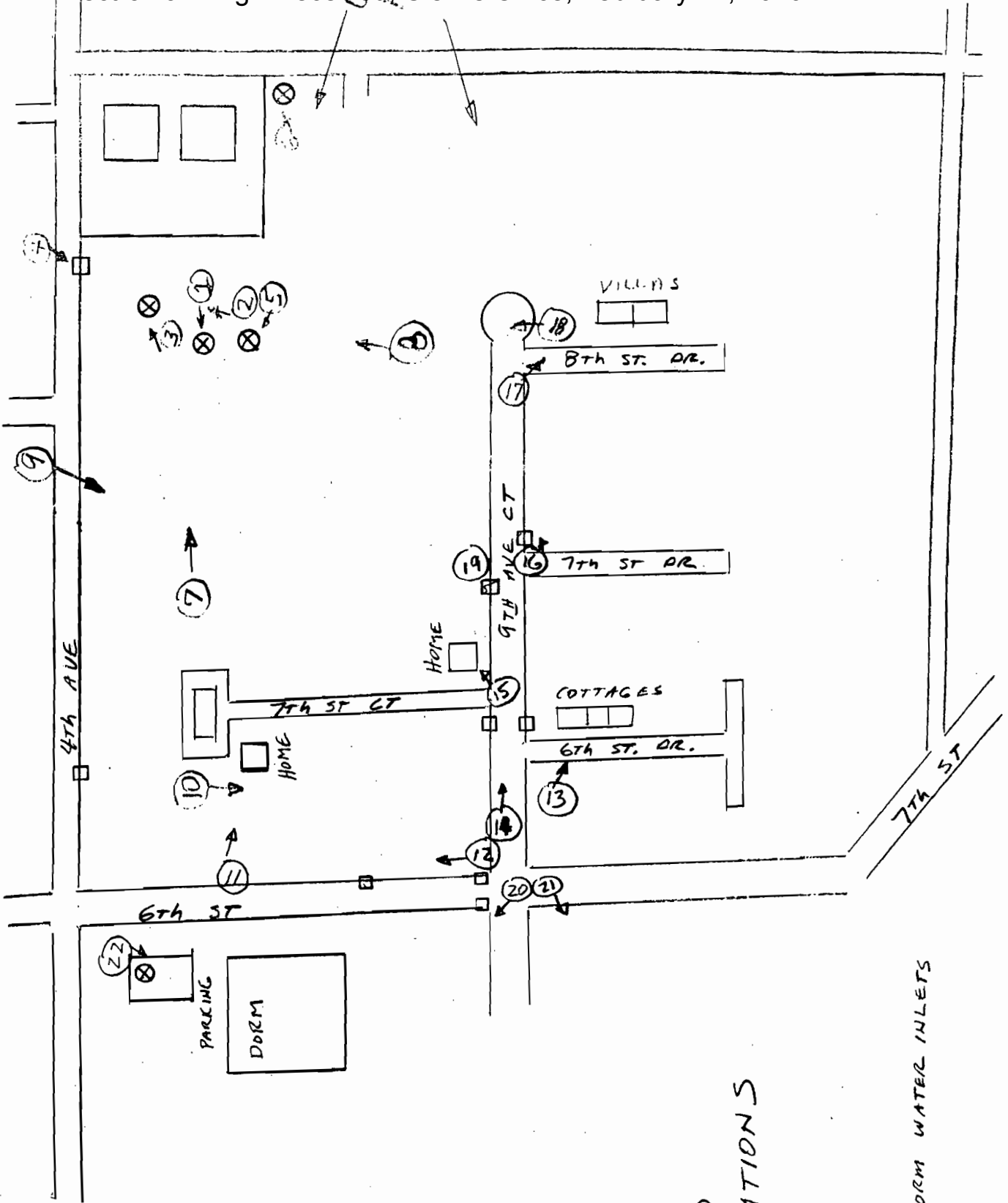
1. Continued sediment discharges to the storm inlets (both existing and new) tributary to the Moline storm sewer system, then to the Mississippi River.
2. Sediment discharges to public sidewalks and streets create public nuisance and safety hazards.
3. ION reports not submitted.
4. P2 plan inadequate and not being followed
 - a. Storm water inlets and protection not addressed in plan.
 - b. No site map containing information required by permit.
 - c. Inadequate stabilization measures on disturbed areas where construction activity will not occur for more than 21 calendar days.
 - d. Inadequate structural practices to contain, divert, and control the release of sediment.
 - e. Interim and final stabilization measures are not detailed in plan, per Part IV of permit.


James E. KammueLL

JEK/pf

Attachment(s): -Site Sketch
-Photo Location Map
-Photos

cc: -Peoria Files
-DLC

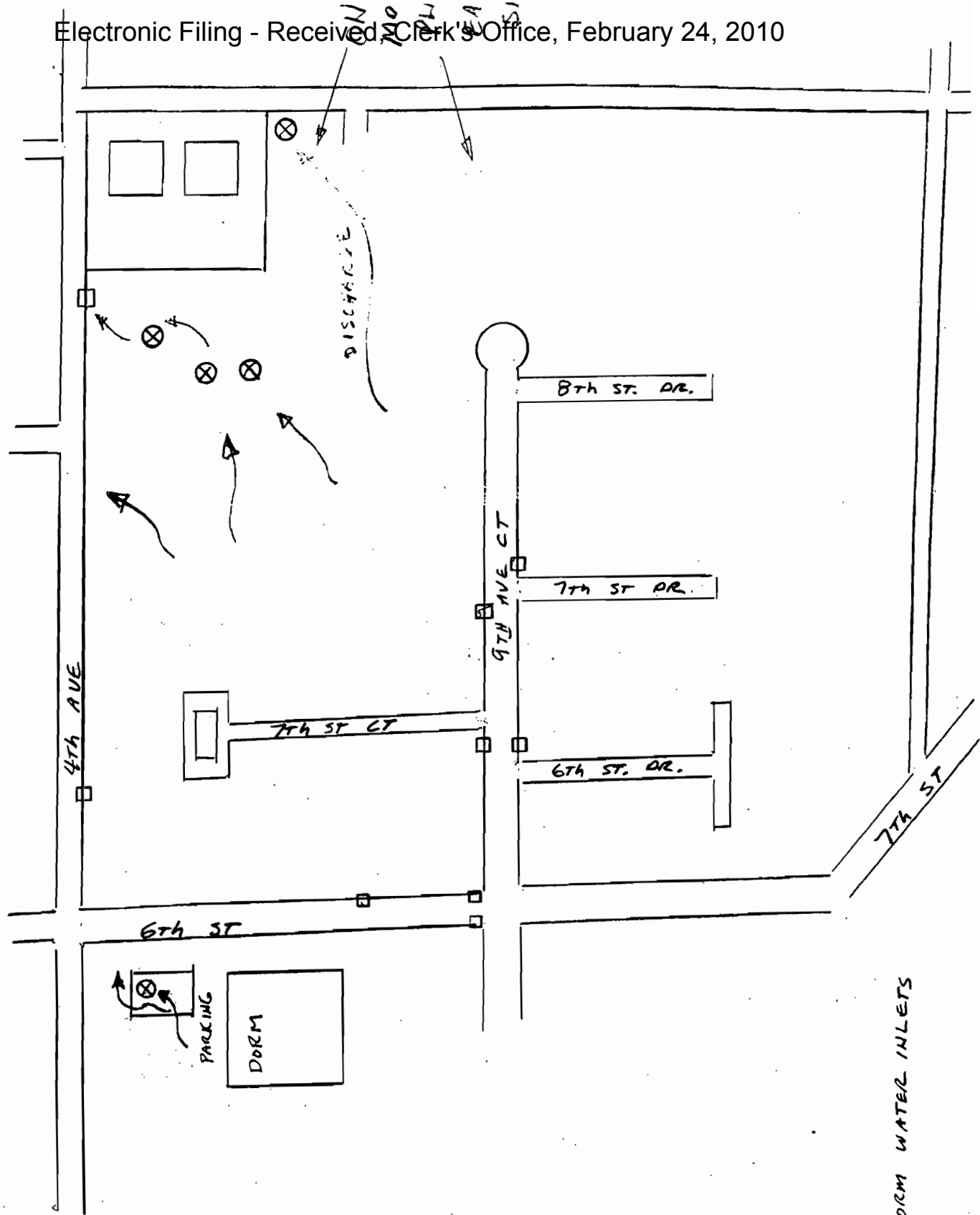


ONE
MOLINE
PLACE
WEST
SITE

PHOTO
LOCATIONS

⊗ STORM WATER INLETS
◻ STORM WATER INLETS

III



ONE
MOLINE
PLACE
WEST
SITE

⊗ STORM WATER INLETS
□

118

DEC 06 2005

MEMORANDUM

Environmental Protection
Agency

SUBJECT: Rock Island County
(Moline) -One Moline Place (East & West Sites)
Storm Water Inspection
ILR107509 (Terminated)
Now ILR10A460 – Issued 5-17-04

TO: DWPC/FOS and RU

FROM: James E. KammueLLer, DWPC/FOS, Peoria Region

DATE: November 9, 2005

On the above date I conducted the subject inspection. Moline Public Works Director Mike Waldron was contacted by phone on November 28 and One Moline Place Owner Mike Shamsie was contacted by phone November 30. Since my previous visit of 3-23-05 the following conditions were noted:

1. Three additional homes were under construction and are marked as C, D, and E on the attached sketch. Those marked A and B were present in March.
2. Three of these five homes (A, C, and D) had received some sod placement in the front area of the lots but not the side or rear areas. Sediment was being tracked into the streets and entering the storm inlet marked #5 on the attached sketch.
3. 70% vegetative density cover had not been achieved in areas of non-recent disturbance. The slope along 6th Street (see photo #13) did not have 70% density vegetative cover, as this area was not seeded with grass but rather small plants and shrubs. The stabilization of this slope will need follow-up work and inspection. Mr. Waldron indicated sediment is still released from this slope into Moline streets. I suggested to Mr. Shamsie that grass cover be established on this slope as shrubs may not provide the root density required
4. Eroded channels led to storm inlet #1 on the sketch. Some of the straw bales around this inlet had been moved to allow direct flow of water to this inlet and sediment had been cleaned from the surface of the inlet. Photo #2 shows the opening in the bales to allow storm water to flow directly to the inlet in the background.
5. Eroded channels led to, and around, inlets #2 and #3. The surface of inlet #2 (photo #4) had been cleaned and inlet #3 (photo #5) was covered with sediment. An eroded channel also carried storm flow around inlets #2 and #3 to inlet #4 that was rock covered (photo #6).
6. Some sediment not entering inlet #4 was still reaching the sidewalk area (photo #15).
7. Sediment from the west site was still flowing to inlet #6 (photo #14).

8. The straw bales in place were old and deteriorated.

I reviewed the above items with Mr. Shamsie during our phone call. He agreed to check them right away and indicated he was performing the required inspections. Mr. Waldron also mentioned very recent problems with mud being tracked from this development onto City streets.

Summary

1. Continued sediment discharges to the storm inlets (both existing and new) tributary to the Moline storm sewer system, then to the Mississippi River.
2. Sediment discharges to public sidewalks and streets create public nuisance and safety hazards.
3. ION reports not submitted.
4. P2 plan inadequate and not being followed.
5. Inadequate interim and final stabilization measures and maintenance of controls (old bales).
6. Apparent intentional bypassing of controls at inlet #1.

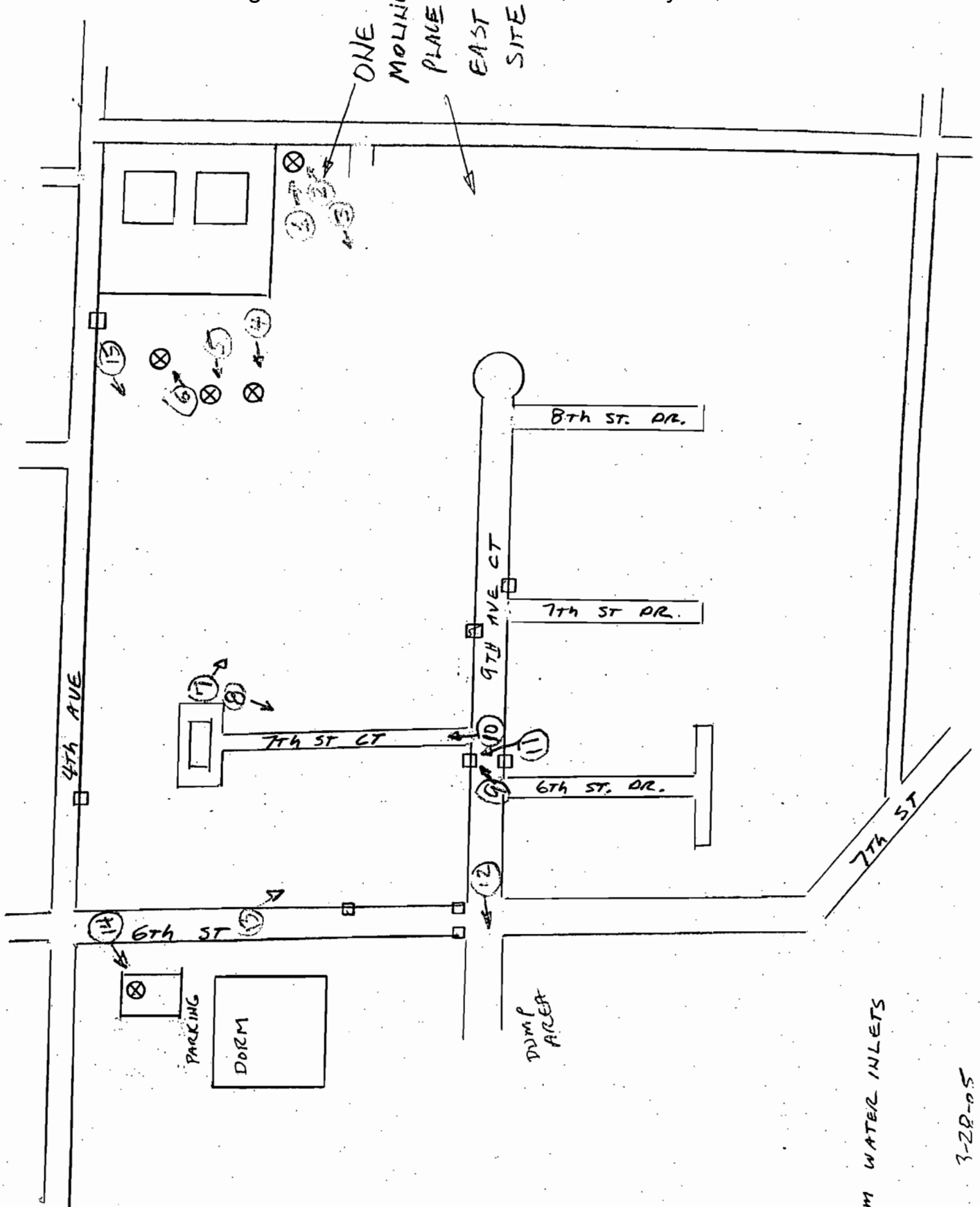

James E. KammueLLer

JEK/pf

Attachment(s): -Site Sketch
-Photo Location Map
-Photos

cc: -Peoria Files
-DLC

ONE MOLINE PLACE
11-9-05 PHOTOS

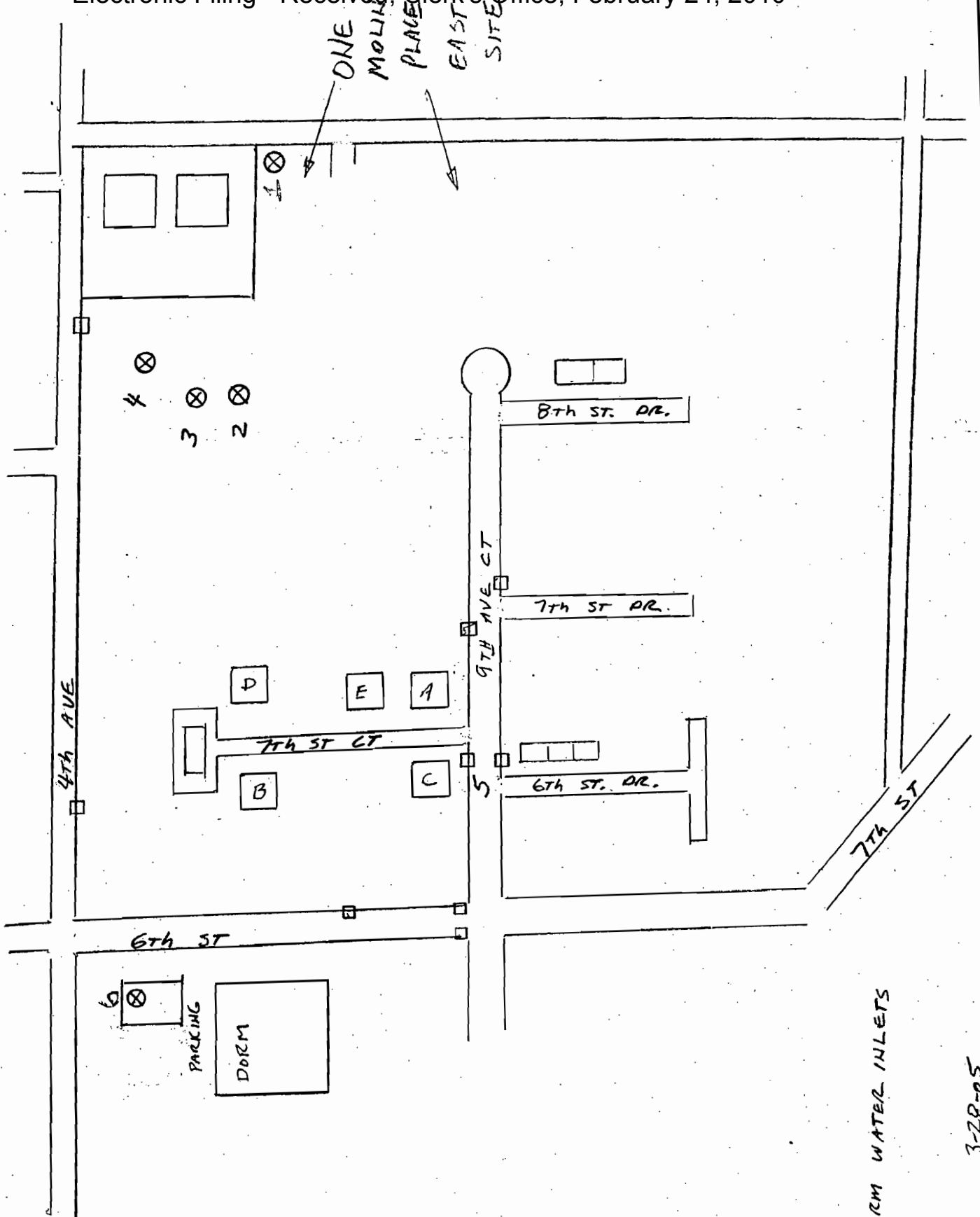
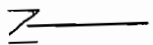


ONE
MOLINE
PLACE
WEST
SITE

ONE
MOLINE
PLACE
EAST
SITE

⊗ STORM WATER INLETS
□

3-28-05



ONE
MOLINE
PLACE
WEST
SITE

⊗ STORM WATER INLETS
□

3-28-05

MEMORANDUM

SUBJECT: Rock Island County (Moline) -One Moline Place (East & West Sites)
Storm Water Inspection
ILR107509 (Terminated)
Now ILR10A460 – Issued 5-17-04

TO: DWPC/FOS and RU
FROM: James E. KammueLLer, DWPC/FOS, Peoria Region
DATE: January 27, 2006

RECEIVED
Division of Legal Counsel

MAR 07 2006

Environmental Protection
Agency

INTERVIEWED: Anthony Shamsie, Mike's son

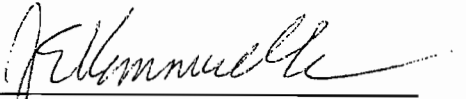
On the above date I conducted the subject inspection. The erosion controls (straw bales) observed during my previous visit of 11-9-05 appeared unchanged, as did erosion problems. No controls were in place for construction sites and more disturbances were noted during the visit. This included a barren roadway (photos 8, 9, and 10) to the home(s) still under construction (photo 18) and grading that had occurred at the north end of 7th Street Court (photos 14, 15, 16) and new construction underway at the end of 6th Street Drive (photo 23). Dirt was being stockpiled in the street at this site.

It was noted that dirt stockpile areas on the west site were either not protected or inadequately protected (photos 24 and 27). A new unprotected dirt dumpsite was also present (photo 25) on the edge of the hillside.

The hillside along the east side of 6th Street has not been stabilized with rill erosion present, and little grass cover (photos 13, 19, 20, 28, 29, 30).

Summary

1. Continued sediment discharges to the storm inlets (both existing and new) tributary to the Moline storm sewer system, then to the Mississippi River.
2. Sediment discharges to public sidewalks and streets create public nuisance and safety hazards.
3. ION reports not submitted.
4. P2 plan inadequate and not being followed.
5. Inadequate interim and final stabilization measures and maintenance of controls (old bales).
6. Apparent intentional bypassing of controls at inlet #1.


James E. Kammuehler

JEK/pf

Attachment(s): -Photo Location Map
-Photos

cc: -Peoria Files
-DLC

MEMORANDUM

SUBJECT: Rock Island County (Moline) -One Moline Place (East & West Sites)
Storm Water Inspection
ILR107509 (Terminated)
Now ILR10A460 - Issued 5-17-04

TO: DWPC/FOS and RU

FROM: James E. KammueLLer, DWPC/FOS, Peoria Region

DATE: March 23, 2006

INTERVIEWED: Mike Waldron, Moline Public Works Director (phone April 10 & 12, 2006)

On the above date I conducted the subject inspection. Conditions appeared basically unchanged from those noted during my previous visit of 1-27-06. No controls were in place for construction sites including the apparent cottage under construction at the end of 6th Street Drive. Sediment was leaving this site and entering nearby storm inlets. Street inlets were not protected and the only interim controls were the inadequate and deteriorated straw bales noted during past inspections. Sediment was noted around the 4th Ave (Rt. 92) inlet just east of the 6th St. intersection. Some of this had come down 6th St. and also down the slope leaving the NW corner of the home construction area.

Mr. Waldron reported that the City had not had to clean off the streets this year to date. However, storm sewer inlets on this site are basically open again. Mr. Waldron indicated Mr. Shamsie owed the City of Moline around \$250,000 as part of the TIF financing to demolish these old hospitals and develop this site. The east site hospital was originally known as "Moline Public" and the west side hospital was originally "Moline Lutheran". These competing hospitals merged some years ago as "United Medical" and later became known as "Trinity Hospital". They built a new facility on J. Deere Road and abandoned this site that became an eyesore and prompted the City to find ways to develop the property. Mr. Shamsie tore down both hospitals. The east site was occupied mostly by "Moline Public" with a parking lot at the NE corner. The west site "Lutheran" hospital was located to the west and north of the existing dorm building with a parking lot to the south.

Once home construction began on the east site, basement excavation work included removal of the "Moline Public" hospital basement structure that was left behind during hospital demolition. This reportedly is the source of the debris dumped on the south side of the west site. This "dump site" is about 1.5 acres. A closer inspection of this debris revealed that in addition to bricks, cinder blocks and concrete, some wood, plastic, metal pipe/conduit, wire with insulation, glass, asphalt, fabric material, rebar and one burn pile area were all present. A separate wood dump pile was also present north of this 1.5-acre dumpsite on a large slab area that at one time was apparently part of the foundation for the "Lutheran" hospital. This dumping was referred to J. Tripses - DLPC. The asphalt may have come from the paved parking lot once located at the NE corner of the east site.


James E. KammueLLer

JEK

cc: -Peoria Files
-DLC

RELEASABLE

MEMORANDUM

SUBJECT: Rock Island County (Moline) -One Moline Place (East & West Sites)
Storm Water Inspection
ILR107509 (Terminated)
Now ILR10A460 – Issued 5-17-04

TO: DWPC/FOS and RU

FROM: James E. KammueLLer, DWPC/FOS, Peoria Region

DATE: September 13, 2007

RECEIVED
Division of Legal Counsel
NOV 13 2007
Environmental Protection
Agency

On the above date the subject inspection was conducted, and the following observations made:

EAST SITE:

1. Rill erosion (Photo # 5) was present on the lower slope of the “hillside” area (shown in Photo # 1 background), and in the former parking lot area located on the east side of the east site (Photos # 6 and # 7). Sediment from these rill areas was discharging to inadequate protected storm inlets (old deteriorated straw bales present). The inlets shown in Photos # 3 and # 5 were covered/surrounded with sediment which was supporting the growth of small willow-type trees, and weeds. In the background of Photo # 2 is the inlet that receives runoff from the former parking lot area.

The grass cover on the hillside and adjacent “flat” area was not being mowed, but did appear to be 70% density except for the areas of rill erosion mentioned above. These rill areas needed repair and check dams/contours may be needed to control erosion due to water flowing down the hillside and through the general area.

The former parking lot area contains much gravel and, to date, hasn't supported grass growth – just weeds. Topsoil and final stabilization is needed in this area.

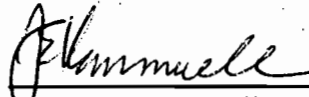
2. The new basement construction shown in Photo # 4 was reportedly the subject of a recent City inspection (Erica Williams) that resulted in the silt fence and straw bale installation. A homeowner mentioned this to me during my inspection.

3. New construction sites were not protected to keep sediment out of the street (Photos #8 and #9).

4. The vegetative cover on the east site hillside along 6th Street appeared to be fairly well established (Photo #12).

WEST SITE:

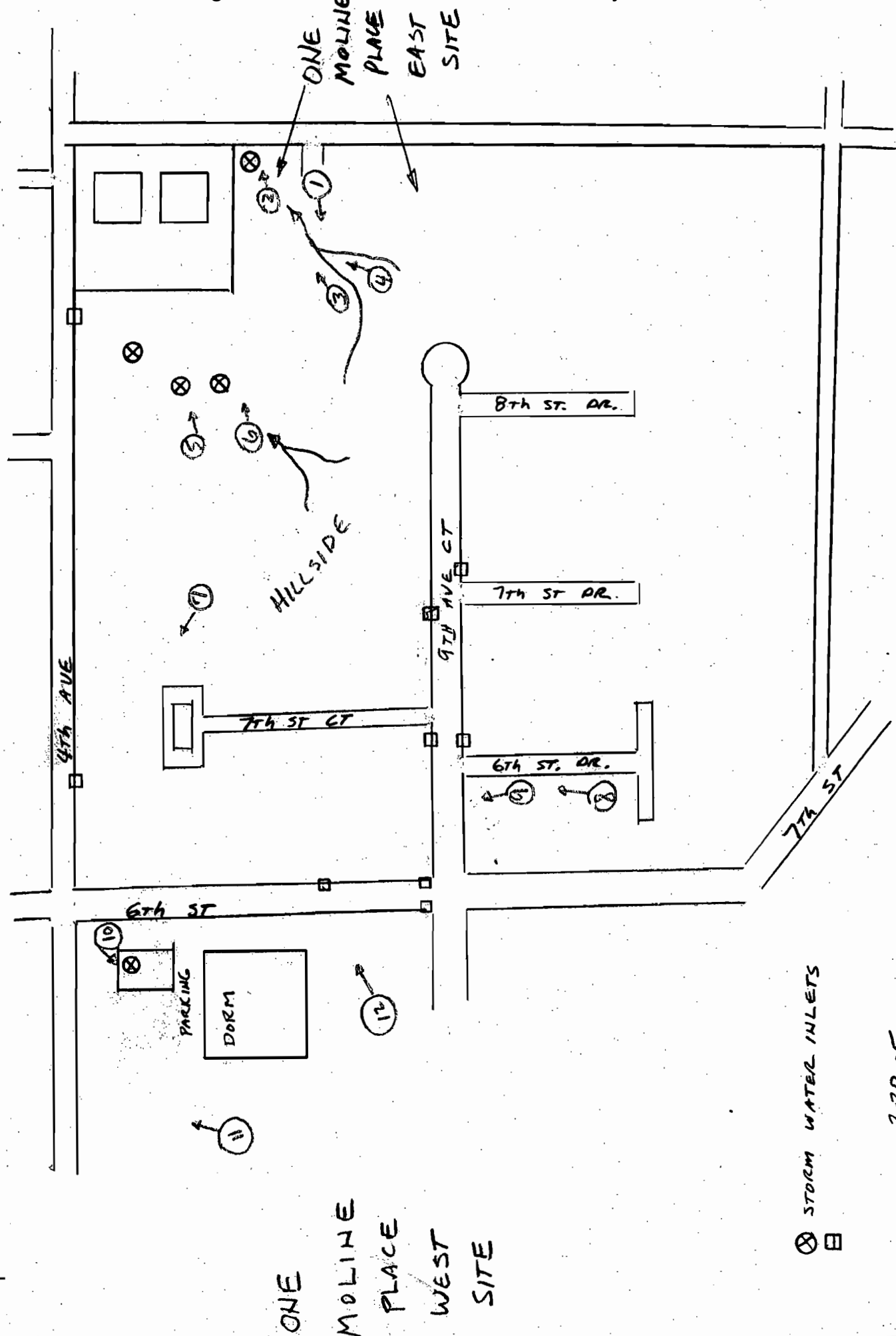
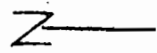
1. Dormitory demolition was underway and no protection was provided to keep demolition debris run-off out of streets and storm inlets (Photo #10).
2. The former dump area was cleaned up.
3. It appeared a "French drain" system, and small "depression", to capture storm water had been installed at the north side of the west site to channel water away from the lower NE corner of this site (Photo #11).


James E. Kammuehler

JEK

Attachment(s): Photos and Location Map

cc: DLC – Chuck Gunnarson
CAS
Peoria



⊗ STORM WATER INLETS

3-28-05

NOTICE OF TERMINATION (NOU)
 OF COVERAGE UNDER THE GENERAL PERMIT
 FOR STORM WATER DISCHARGES
 ASSOCIATED WITH CONSTRUCTION SITE ACTIVITY

RECEIVED
 JUL 21 2003
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

OWNER INFORMATION

NAME:	LAST Moline Place Development, LLC	FIRST	MIDDLE INITIAL	OWNER TYPE: (SELECT ONE)
MAILING ADDRESS:	455 Avenue of the Cities			<input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> COUNTY <input type="checkbox"/> CITY <input type="checkbox"/> SPECIAL DISTRICT <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE
CITY:	East Moline	STATE:	IL	ZIP: 61244
CONTACT PERSON:	Mike Shamsie	TELEPHONE NUMBER:	AREA CODE 309	NUMBER 755-3400

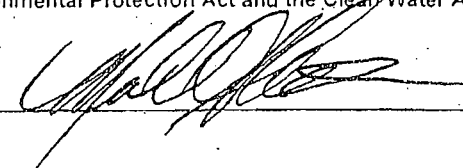
CONTRACTOR INFORMATION

NAME:	TELEPHONE NUMBER:	AREA CODE	NUMBER
MAILING ADDRESS:	CITY:	STATE:	ZIP:

CONSTRUCTION SITE INFORMATION

FACILITY NAME:	One Moline Place	NPDES STORM WATER GENERAL PERMIT NUMBER:	ILR103796										
FACILITY LOCATION:	(Not necessarily the mailing address) 6th Street												
CITY:	Moline	STATE:	IL	ZIP:	61265	LATITUDE	DEG. 41	MIN. 30	SEC. 15	LONGITUDE:	DEG. 90	MIN. 31	SEC. 45
COUNTY:	Rock Island	SECTION:	31 & 32	TOWNSHIP:	17N & 18N	RANGE:	1W						

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized or that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity by the general permit, and that discharging pollutants in storm water associated with industrial activity to Waters of the State is unlawful under the Environmental Protection Act and the Clean Water Act where the discharge is not authorized by an NPDES permit.

OWNER SIGNATURE:  DATE: 7/16/03

MAIL COMPLETED FORM TO:
 (DO NOT SUBMIT ADDITIONAL DOCUMENTATION UNLESS REQUESTED)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 ATTN: PERMIT SECTION
 POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276

FOR OFFICE USE ONLY

LOG:
PERMIT NO. ILR10 _____
DATE:

Information required by this form must be provided to comply with 415 ILCS 5/39 (1996). Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.



Electronic Filing - Received, Clerk's Office, February 24, 2010
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-0610

July 23, 2003

MOLINE PLACE DEV LLC
455 AVE OF THE CITIES
EAST MOLINE, IL 61244

Re: FACILITY: ONE MOLINE PALCE
NPDES Permit No: ILR103796
COUNTY: ROCK ISLAND

Termination of NPDES Construction Permit No. ILR103796

Dear NPDES Permittee:

Thank you for notifying us that construction activities at the above referenced site have ceased and that final stabilization of the site has been completed. Based on your notification, we have terminated NPDES Permit No. ILR103796 effective immediately.

If you have any questions or comments regarding the above, or if we can be of any further assistance, please contact the Permit Section at the above telephone number and address.

Very truly yours,

Toby Frevert, P.E.

Manager

Division of Water Pollution Control

TF:med:const term b

cc: Records Unit

FOS -

NOTICE OF TERMINATION (NOT RECEIVED)
 Electronic Filing - Received, Clerk's Office, February 24, 2010
**OF COVERAGE UNDER THE GENERAL PERMIT
 FOR STORM WATER DISCHARGES**
ASSOCIATED WITH CONSTRUCTION SITE ACTIVITY ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOWWPC/PERMIT SECTION
 AUG 11 2003

OWNER INFORMATION

NAME:	LAST: Moline FIRST: Place MIDDLE INITIAL: Development, LLC	OWNER TYPE: (SELECT ONE) <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> COUNTY <input type="checkbox"/> CITY <input type="checkbox"/> SPECIAL DISTRICT <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE			
MAILING ADDRESS:	455 Avenue of the Cities				
CITY:	East Moline	STATE:	IL	ZIP:	61244
CONTACT PERSON:	Michael R. Shamsie, P.E.	TELEPHONE NUMBER:	309	AREA CODE	NUMBER 755-3400

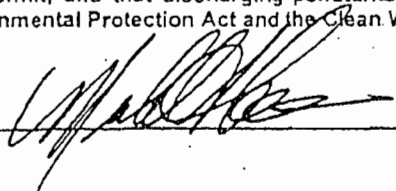
CONTRACTOR INFORMATION

NAME:	TELEPHONE NUMBER:	AREA CODE	NUMBER
MAILING ADDRESS:	CITY:	STATE:	ZIP:

CONSTRUCTION SITE INFORMATION

FACILITY NAME:	One Moline Place	NPDES STORM WATER GENERAL PERMIT NUMBER:	ILR107509										
FACILITY LOCATION:	(Not necessarily the mailing address) 7th Street & 11th Ave.												
CITY:	East Moline	STATE:	IL	ZIP:	61244	LATITUDE	DEG. 41	MIN. 30	SEC. 15	LONGITUDE:	DEG. 90	MIN. 31	SEC. 45
COUNTY:	Rock Island	SECTION:	31 and 32	TOWNSHIP:	17N & 18N	RANGE:	1W						

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized or that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity by the general permit, and that discharging pollutants in storm water associated with industrial activity to Waters of the State is unlawful under the Environmental Protection Act and the Clean Water Act where the discharge is not authorized by an NPDES permit.

OWNER SIGNATURE:  DATE: 8/5/03

MAIL COMPLETED FORM TO:
 (DO NOT SUBMIT ADDITIONAL DOCUMENTATION UNLESS REQUESTED)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 ATTN: PERMIT SECTION
 POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276

FOR OFFICE USE ONLY

LOG:
PERMIT NO. ILR10 _____
DATE:



1021 NORTH GRAND AVENUE EAST, P.O. BOX 12276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOIEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

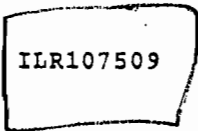
217/782-0610

August 14, 2003

MOLINE PLACE DEVELOPMENT LLC
455 AVE OF THE CITIES
EAST MOLINE, IL 61244

Re: FACILITY: ONE MOLINE PLACE MOLINE
NPDES Permit No: ILR107509
COUNTY: ROCK ISLAND

- Termination of NPDES Construction Permit No. ILR107509



Dear NPDES Permittee:

Thank you for notifying us that construction activities at the above referenced site have ceased and that final stabilization of the site has been completed. Based on your notification, we have terminated NPDES Permit No. ILR107509 effective immediately.

If you have any questions or comments regarding the above, or if we can be of any assistance, please contact the Permit Section at the above telephone number address.

Very truly yours,

Toby Frevert
Toby Frevert, P.E.

Manager
Division of Water Pollution Control

TF:med:const term b

cc: Records Unit
FOS - 3



Department of Public Works

3635 4th Avenue
Moline, Illinois
61265

Administration
(309) 797-0799

Engineering
(309) 797-0700

Municipal Services
(309) 797-0780

Fleet Services
(309) 736-5753

June 30, 2009

RECEIVED
PEORIA - DWPC
JUL 06 2009
ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOIS
- MAC - RAY
- RW CALLEY
OFFICE: PEORIA

Via First Class Mail and Certified Mail Return Receipt Requested

Mike Shamsie
Moline Place Development LLC
445 Avenue of the Cities
East Moline, IL 61244

RECEIVED
JUL 06 2009
ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOIS

RE: **One Moline Place, Moline, IL**

NOTICE & ORDER

Per the Moline Code of Ordinances, Section 34-4106 (b), the City is to issue a Notice of Violation when a project or property violates or fails to meet the requirements of the Storm Water Ordinance. You have been sent this notice as the party primarily responsible for compliance at the above mentioned properties.

The present condition of the sites does not meet the requirements of the Storm Water Ordinance, Section 34-4200 (d), for sediment and erosion control best management practices. Since sediment has the foreseeable potential to leave your properties and enter adjoining roadways, the site is also in violation of Section 34-4105 (e) and 4102 (a).

Following a recent rainfall event the City received digital photographs from a citizen concerned about sediment leaving the development. The City acknowledges that sediment control in the form of straw bales have been installed along many of the potential problem areas associated with the current development activities, however, as is evident in the photos, there are areas of the development that remain unprotected or that the erosion control in place is not effective. A follow up visit by City personnel on June 29, 2009 confirmed the presence of the unprotected areas in the citizen photos, and that the unprotected areas remain. Refer to the attachments for photos taken by the concerned citizen during the rainfall event and the subsequent follow up photos.

Listed on the attached checklist are the violations found and the corrections to be made to meet the minimum standards of the Moline Code of Ordinances.

Sediment control measures along the unprotected areas must be installed by July 10, 2009 and maintained throughout the duration of the project. Additionally, any sediment along the gutter line and the storm sewers must be cleaned out by the above deadline.

If the required work is not commenced or completed within the time specified, the Environmental Manager or designee may post a stop work order to prevent further work until the work is completed, and may

City of Moline
Violation Checklist
Chapter 34

Date of Compliance Letter- June 30, 2009
Compliance Deadline- July 10, 2009
Parcel/Address: See Referenced Area on Map/One
Moline Place
Case Number:

PROHIBITED ACTIONS

4102 (a) Discharges. No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated storm water, except as allowed in section 34-4103.

Exceptions: hydrant flushing, irrigation, rising ground water, potable water sources, foundation drains, air conditioning condensate, springs, sump/footing drains, storm sewer cleaning, de-chlorinated pH neutral swimming pool discharge, etc.

4102 (b) Pollutants. Any discharge shall be prohibited if it has been determined by the city engineer to be a source of pollutants to the storm drainage system.

4102 (c) Illicit connections. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system, are prohibited. Expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.

4102 (d) Sanitary sewage. No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system or allow such a connection to be made or be made to continue.

4102 (e) Surface flow. It shall be unlawful for an person to force surface water off that person's property and onto a neighboring property or to prevent surface water which would have entered that person's property from doing so without approval granted by a drainage permit.

4102 (f) Easements. No buildings or permanent structures, including impervious surfaces, may be placed wholly or in part within an easement that has been granted for access to drainage facilities of any type.

4102 (g) Obstructions. It shall be unlawful for any person to cause or maintain any obstruction within a watercourse or drainage facility of any type.

DISCHARGE REQUIREMENTS

4104 (a) Private Drainage System Maintenance. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance or vegetative cover, and removal of debris from pipes and structures.

4104 (b) Minimization of Irrigation Runoff. Irrigation systems shall be managed to reduce the discharge of water from a site.

4101 (c) Cleaning of Paved Surfaces Required. The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. Buildup of mechanical fluid, waste materials, sediment or debris is a violation. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods.

4101 (d) Mobile Commercial Cosmetic Cleaning Operations. Discharge to the storm drainage system is a violation.

4101 (e) Maintenance of Equipment. Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

4101 (f) Materials storage. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.



Notice & Order to Correct

June 30, 2009

Dear Permit Holder:

Property Address: One Moline Place
Parcel No: See Referenced Area on Map
Date of Inspection: June 29, 2009 **Compliance Deadline:** July 10, 2009
Case No: _____

The purpose of this Notice is to advise you that acting on a concerned citizen complaint, violations were found at the above-mentioned property. City of Moline Code of Ordinances violations are listed on the attached Violation Checklist.

If the required work is not commenced or completed within the time frame specified, the Environmental Manager or designee, may issue a stop work order or may proceed to cause the work to be done and charge the costs thereof against the permittee. The permittee may appeal the *Notice and Order to Correct* or any action of the Environmental Manager, provided the appeal is made in writing as provided in current code, and filed with the Environmental Manager within 15 days from the date of service of such *Notice and Order to Correct*. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. Permittee should recognize that violations listed herein may not be all inclusive and that in addition to the items listed herein, permittees are responsible for ensuring compliance with applicable provisions of the Moline Code of Ordinances, including the Storm Water Ordinance.

YOU ARE REQUIRED TO CONTACT ME WHEN THE WORK IS COMPLETED SO THE CITY CAN INSPECT AND APPROVE THE WORK. FAILURE TO COMPLY WITH THIS NOTICE MAY RESULT IN LEGAL ACTION AGAINST YOU. For questions or concerns, please contact the below undersigned.

Sincerely,

CITY OF MOLINE, ILLINOIS

Handwritten signature of Erica K. Williams in cursive.

Erica Williams
Environmental Manager
Phone: (309) 797-0718