

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB NO. 11-
v.	)	(Enforcement-Water)
	)	
VILLAGE OF SPRING GROVE,	)	
an Illinois municipal corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mark Eisenberg, President  
Village of Spring Grove  
7401 Meyer Road  
Spring Grove, Illinois 60081

Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Ste. 11-500  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a Complaint, Notice of Filing, and a Certificate of Service on behalf of the People of the State of Illinois, a copy of which is attached and herewith served upon you.

Section 103.204(f) of the Pollution Control Board Procedural Rules, 35 Ill. Adm. Code 103.204(f) provides: "Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure,

you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney."

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY:



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ZEMEHERET BEREKET-AB  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18<sup>th</sup> Flr.  
Chicago, IL 60602  
(312) 814-3816

DATE: February 23, 2011

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**



the State of Illinois. Spring Grove has a population of approximately 6,000 people and is located in McHenry County, Illinois.

4. At all times relevant to this Complaint, Spring Grove owns and operates a sewage treatment plant (“STP”). The STP is located at 3001 Industrial Drive, Spring Grove, McHenry County, Illinois. The STP serves primarily an industrial and commercial corridor located along Route 12 in Spring Grove.

5. On January 1, 2007, the Illinois EPA issued to Spring Grove a National Pollutant Discharge Elimination System (“NPDES”) Permit Number IL0074985 with an expiration date of December 31, 2011. The NPDES Permit allows and regulates the discharge of effluent from Spring Grove’s STP to Nippersink Creek, a tributary to the Fox River, which in turn flows into the Illinois River.

6. Spring Grove’s NPDES Permit IL00074985 sets out the monthly average and daily maximum limits for ammonia nitrogen for January, February and March as follows:

Concentration Limits MG/L

Monthly Average	1.3 mg/L
Daily Maximum	2.4 mg/L

7. On March 13, 2009, the Illinois EPA conducted a compliance inspection of the STP.

8. During the March 13, 2009 inspection of the STP, the Illinois EPA observed that actual ammonia nitrogen concentration limits for the months of January, February and March 2009 had exceeded permit limits as follows:

<u>Month</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Actual</u>
Jan 2009	Amm-N, monthly avg.	1.3 mg/L	7.9 mg/L
Jan 2009	Amm-N, daily max	2.4 mg/L	10.4 mg/L

Feb 2009	Amm-N, monthly avg.	1.3 mg/L	7.7 mg/L
Feb 2009	Amm-N, daily max	2.4 mg/L	10.3 mg/L
March 2009	Amm-N, monthly avg.	1.3 mg/L	4.0 mg/L
March 2009	Amm-N, daily max	2.4 mg/L	5.39 mg/L

9. Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), provides, as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

10. Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), provides, 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.

11. Section 304.140(a) of the Board Water Pollution Regulations (“Board”), 35 Ill.

Adm. Code 304.140(a), titled, NPDES Effluent Standards, provides, as follows:

- a) No person to whom an NPDES Permit has been issued may discharge any contaminant in his effluent in excess of the standards and limitations for that contaminant which are set forth in his permit.

12. Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), provides as follows:

“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.

13. Spring Grove, an Illinois municipal corporation, is a “person”, as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2010).

14. Section 3.165 of the Act, 415 ILCS 5/3.165 (2010), provides as follows:

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

15. Ammonia Nitrogen is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2010).

16. Section 3.550 of the Act, 415 ILCS 5/3.550 (2010), provides as follows:

“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.

17. The Nippersink Creek, Fox River, and Illinois River are each “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2010).

18. By exceeding its NPDES Permit monthly average and daily maximum limits for ammonia nitrogen during the months of January, February and March 2009, Respondent violated Section 304.140(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.140(a).

19. By discharging ammonia nitrogen into waters of the State in excess of the limitations set forth in its NPDES Permit in violation of Section 304.140(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.140(a), Respondent violated Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order in favor of Complainant and against Respondent with respect to this Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2010), and Section 304.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.140(a);
3. Ordering Respondent to cease and desist from any further violations of Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2010), and Section 304.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.140(a);
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) each for each and every violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), with an additional penalty of Ten Thousand Dollars (\$10,000.00) against the Respondent for each day of each violation of Section 12(a);
5. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day during which the violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), and any NPDES program-related regulation of the Board continued;
6. Ordering Respondent to implement measures to control discharges of ammonia nitrogen;
7. Ordering Respondent to pay all costs including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
8. Granting such other relief as the Board deems appropriate and just.

**COUNT II**

**FAILURE TO REPORT EFFLUENT LIMIT VIOLATIONS**

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 through 8 and paragraphs 10 through 17 of Count I, as paragraphs 1 through 16 of this Count II.

17. Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), titled, Reporting Requirements, provides, in pertinent part, as follows:

- b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

18. Standard Condition 12(e) of NPDES Permit #IL0074985, titled, Twenty-four hour reporting, provides in pertinent part as follows:

\* \* \*

The following shall be included as information which must be reported within 24 hours.

\* \* \*

- (2) Violation of a maximum daily discharge limitations for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;

\* \* \*

19. During the months of January, February and March 2009, Spring Grove's STP exceeded both its monthly average and daily maximum permit limits for ammonia nitrogen as (N), a pollutant listed by the Agency in the permit.

20. Respondent did not notify the Illinois EPA within 24 hours about the violation of its maximum daily discharge limitations for ammonia nitrogen as (N), as required by Standard Condition No. 12(e) of its NPDES Permit.



21. Respondent, by failing to comply with Standard Condition No. 12(e) of its NPDES Permit, violated Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), and thereby also violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order in favor of Complainant and against Respondent with respect to this Count II:

1. Authorizing a hearing in this matter at which time 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) (2010), Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), and Standard Permit Condition 12(e) of NPDES Permit #IL0074985;

3. Ordering Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), and its NPDES permit conditions;

4. Ordering Respondent to undertake all necessary corrective actions that will result in a final and permanent abatement of violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and its NPDES permit conditions;

5. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), Board Water Pollution Regulations and NPDES conditions of its NPDES permit continued;

6. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

**COUNT III**

**VIOLATION OF NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM ("NPDES") PERMIT**

1-9. Complainant realleges and incorporates by reference herein paragraphs 1 through 5 and paragraphs 7, 10, 12 and 13 of Count I, as paragraphs 1 through 9 of this Count III.

10. Special Condition No. 14 of Spring Grove's NPDES Permit #IL0074985 provides as follows:

The Permittee shall maintain an industrial/commercial user inventory, including identification of industrial/commercial users and the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by the industrial/commercial users.

11. As of the March 13, 2009, Illinois EPA inspection, Spring Grove had developed an industrial/commercial user inventory and had submitted surveys to all its industrial/commercial users.

12. However, as of March 13, 2009, Spring Grove's industrial/commercial inventory failed to contain wastewater characteristics in Spring Grove's industrial inventory, as required by Special Condition No. 14 of NPDES Permit #IL0074985.

13. Respondent Spring Grove, by failing to comply with Special Condition No. 14 of its NPDES Permit, violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order in favor of Complainant and against Respondent with respect to this Count III:

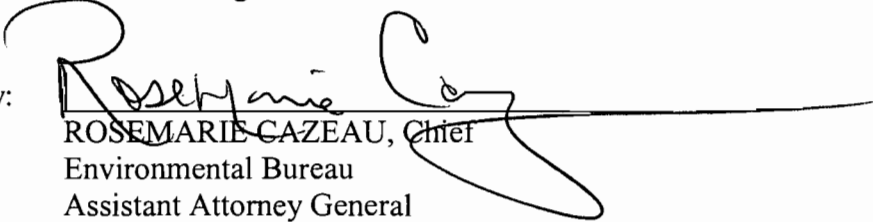
1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations;
2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), and Special Condition 14 of its NPDES permit;
3. Ordering Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), and Special Condition of its NPDES permit;
4. Ordering Respondent to undertake all necessary corrective actions that will result in a final and permanent abatement of violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2010) and NPDES permit condition No. 14;
5. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violation of the Act and NPDES permit conditions continued;
6. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

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

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

By:

  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

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**CERTIFICATE OF SERVICE**

I, ZEMEHERET BEREKET-AB, an Assistant Attorney General, do certify that I caused to be served on this 23<sup>rd</sup> day of February 2011, the foregoing Notice of Filing, and a Complaint, upon Mr. Mark Eisenberg, President of the Village of Spring Grove, via Certified Mail by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois.



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ZEMEHERET BEREKET-AB