

ILLINOIS POLLUTION CONTROL BOARD  
January 10.2013

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 13-29
	)	(Enforcement - Water)
401 NORTH WABASH VENTURE, LLC, a	)	
Delaware limited liability company,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by T.A. Holbrook):

On December 18, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against 401 North Wabash Venture, LLC (respondent). The complaint concerns operation of a heating, ventilation, and air condition system that contains a cooling water system at respondent's property located at 401 North Wabash Avenue, Chicago, Cook County, which is commonly known as Trump Tower. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated the Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(f) (2010)) by causing or allowing the discharge of contaminants in such a manner as to cause or tend to cause water pollution and by causing or allowing the discharge of a contaminant from a point source into the waters of the State without a National Pollutant Discharge Elimination System permit. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On December 18, 2012, simultaneously with the People's complaint, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$46,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2013, by a vote of 5-0.



---

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board