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Cook County, IL

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DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2018CH10229

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State Illinois,)
)
Plaintiff,)
)
v.)
)
401 NORTH WABASH VENTURE, LLC,)
d/b/a TRUMP INTERNATIONAL)
HOTEL & TOWER,)
)
Defendant.)

No. 18 CH 2018CH10229

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Defendant 401 NORTH WABASH VENTURE, LLC, a Delaware limited liability company, doing business as TRUMP INTERNATIONAL HOTEL & TOWER, as follows:

**COUNT I
DISCHARGE WITHOUT A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**

1. This Count is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") against Defendant, 401 NORTH WABASH VENTURE, LLC, a Delaware limited liability company, d/b/a TRUMP INTERNATIONAL HOTEL & TOWER, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (2016).

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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 (2016), and charged, *inter alia*, with the duty of administering environmental permit programs and enforcement of the Act.

3. 401 North Wabash Venture, LLC ("Defendant") is a Delaware limited liability company duly authorized to transact business in Illinois. Pursuant to Illinois Secretary of State records, the manager of Defendant is 401 Mezz Venture LLC, also a Delaware limited liability company and authorized to do business in Illinois, and is located at 725 5th Avenue, 26th Floor, New York, NY 10022.

4. Defendant owns and operates Trump International Hotel & Tower ("Facility"), located at 401 N. Wabash Avenue, Chicago, Cook County, Illinois.

5. The Chicago River runs along the south boundary of the Facility.

6. The Facility uses a heating, ventilation, and air conditioning ("HVAC") system that contains a cooling water intake/discharge system. The system results in the release of thermal process wastewater in the form of heated effluent into the Chicago River. The cooling water intake/discharge system withdraws approximately 19.7 million gallons per day ("MGD") from the Chicago River, and returns approximately the same volume in the form of heated effluent through an outfall designated as "Outfall No. 001". 100% of the water withdrawn by the Facility is used for cooling purposes.

7. Section 402 of the federal Clean Water Act ("CWA"), 33 U.S.C. § 1342, establishes the National Pollutant Discharge Elimination System ("NPDES") program to address water pollution by regulating point sources that discharge pollutants to waters.

8. Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), 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.

9. Section 309.102(a) of the Illinois Pollution Control Board (“Board”) Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

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.

10. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), provides the following definition:

“Person” means 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.

11. Defendant, a limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

12. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides the following definition:

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

13. The heated effluent discharged from the HVAC cooling water system piping at the Facility is a “contaminant,” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2016).

14. Section 3.550 of the Act, 415 ILCS 5/3.550 (2016), provides 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 the State.

15. The heated effluent discharged from the HVAC cooling water system piping at the Facility discharges directly into the Chicago River.

16. The Chicago River constitutes “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2016).

17. In Illinois, the Illinois EPA is the delegated responsible agency for implementation of the NPDES program and federal regulations promulgated thereunder.

18. Section 401.11(d) of the Code of Federal Regulations (“C.F.R.”), 40 C.F.R. 401.11(d), provides as follows:

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.

19. The HVAC cooling water intake/discharge system piping at the Facility is a “point source” within the meaning of 40 C.F.R. 401.11(d).

20. Defendant is required to have an NPDES permit for discharges of heated effluent from the HVAC cooling water intake/discharge system piping at the Facility pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2016).

21. On January 10, 2012, Defendant submitted to Illinois EPA an NPDES permit application.

22. On September 12, 2012, Illinois EPA issued to Defendant an NPDES permit for discharges of heated effluent from the HVAC cooling water intake/discharge system at the Facility.

23. On October 16, 2012, Defendant submitted to Illinois EPA an application to modify the terms of its NPDES permit due to the fact that Defendant submitted an incorrect flow rate in its initial permit application.

24. On March 15, 2013, Illinois EPA issued to Defendant its most recent NPDES permit, No. IL0079812 (“NPDES Permit”).

25. Defendant’s NPDES Permit expired on August 31, 2017.

26. Defendant submitted its application to renew its NPDES Permit on May 26, 2017.

27. As of the date of filing this Complaint, the Illinois EPA has not issued a new or renewed NPDES Permit to Defendant covering its water intake structures or its discharge of heated effluent into the Chicago River.

28. Defendant has continued operating its water intake structures at the Facility and has continued discharging heated effluent through Outfall No. 001 into the Chicago River since its NPDES Permit expired on August 31, 2017.

29. Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.104(a), provides as follows:

- a) Any permittee who wishes to continue to discharge after the expiration date of the NPDES Permit must timely apply for reissuance of the permit.
 - 1) A permittee has submitted a timely application for a new permit when:
 - A) The permittee submits:
 - i) an application 180 days prior to the expiration date of the existing permit...

30. Standard Condition 2 of the NPDES Permit provides as follows:

Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

31. Defendant submitted its application to renew its NPDES Permit 82 days after it was due, (98 days prior to expiration date of the existing permit) and thereby failed to timely apply for reissuance of its NPDES Permit, in violation of 35 Ill. Adm. Code 309.104(a) and Standard Condition 2 of the NPDES Permit.

32. By continuing to operate the water intake structures and discharging heated effluent into the Chicago River without an NPDES Permit from at least September 1, 2017 through the date of filing this Complaint, Defendant thereby operated and continues to operate the Facility without an NPDES Permit, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

33. By violating 35 Ill. Adm. Code 309.104(a), a regulation adopted by the Board, and Standard Condition 2 of the NPDES Permit, Defendant thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

34. Violations of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court enter an Order granting a preliminary and, after trial, permanent injunction in favor of Plaintiff, and against Defendant, 401 NORTH WABASH VENTURES, LLC, d/b/a TRUMP INTERNATIONAL HOTEL & TOWER:

1. Finding that Defendant has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 309.102(a) and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a) and 309.104(a);

2. Ordering Defendant to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 309.102(a) and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a) and 309.104(a);

3. Ordering Defendant to immediately take the necessary actions that will result in a final and permanent abatement of the violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 309.102(a) and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a) and 309.104(a);

4. Assessing against the Defendant a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 309.102(a) and 309.104 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

5. Taxing all costs in this action, including attorney, expert witness, and consultant fees, against Defendant; and

6. Granting such other relief as this court deems appropriate and just.

COUNT II
VIOLATION OF NPDES PERMIT CONDITIONS

1-24. Plaintiff realleges and incorporates herein paragraphs 1 through 24 of Count I as paragraphs 1 through 24 of this Count II.

25. Section 316(b) of the CWA, 33 U.S.C. § 1326(b), provides as follows:

Cooling water intake structures: Any standard established pursuant to section 1311 of this title or section 1316 of this title and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

26. Regulations implementing the NPDES Requirements Applicable to Cooling Water Intake Structures for New Facilities under Section 316(b) of the CWA are codified at 40 C.F.R. Part 125, Subpart I (“Subpart I”).

27. Section 125.81(a) of Subpart I, 40 C.F.R. § 125.81(a), provides as follows:

(a) This subpart applies to a new facility if it:

- (1) Is a point source that uses or proposes to use a cooling water intake structure;
- (2) Has at least one cooling water intake structure that uses at least 25 percent of the water it withdraws for cooling purposes as specified in paragraph (c) of this section; and
- (3) Has a design intake flow greater than two (2) million gallons per day (MGD).

28. Section 125.83 of Subpart I, 40 C.F.R. § 125.83, provides the following definitions:

Cooling water means water used for contact or noncontact cooling, including water used for equipment cooling, evaporative cooling tower makeup, and dilution of effluent heat content. The intended use of the cooling water is to absorb waste heat rejected from the process or processes used, or from auxiliary operations on the facility's premises. Cooling water that is used in a manufacturing process either before or after it is used for cooling is considered process water for the purposes of calculating the percentage of a new facility's intake flow that is used for cooling purposes in § 125.81(c).

Cooling water intake structure means the total physical structure and any associated constructed waterways used to withdraw cooling water from waters of the U.S. The cooling water intake structure extends from the point at which water is withdrawn from the surface water source up to, and including, the intake pumps.

Design intake flow means the value assigned (during the facility's design) to the total volume of water withdrawn from a source water body over a specific time period.

Entrainment means the incorporation of all life stages of fish and shellfish with intake water flow entering and passing through a cooling water intake structure and into a cooling water system.

Impingement means the entrapment of all life stages of fish and shellfish on the outer part of an intake structure or against a screening device during periods of intake water withdrawal.

New facility means any building, structure, facility, or installation that meets the definition of a "new source" or "new discharger" in 40 CFR 122.2 and 122.29(b)(1), (2), and (4) and is a greenfield or stand-alone facility; commences construction after January 17, 2002; and uses either a newly constructed cooling water intake structure, or an existing cooling water intake structure whose design capacity is increased to accommodate the intake of additional cooling water....

29. 40 C.F.R. 122.2 provides the following definition:

New source means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

30. 40 C.F.R. 122.29(b)(1), (2), and (4) provide as follows:

- (b) *Criteria for new source determination.*

- (1) Except as otherwise provided in an applicable new source performance standard, a source is a “new source” if it meets the definition of “new source” in § 122.2, and
 - (i) It is constructed at a site at which no other source is located; or
 - (ii) It totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) Its processes are substantially independent of an existing source at the same site. In determining whether these processes are substantially independent, the Director shall consider such factors as the extent to which the new facility is integrated with the existing plant; and the extent to which the new facility is engaged in the same general type of activity as the existing source.
- (2) A source meeting the requirements of paragraphs (b)(1) (i), (ii), or (iii) of this section is a new source only if a new source performance standard is independently applicable to it. If there is no such independently applicable standard, the source is a new discharger. See § 122.2.

* * *

- (4) Construction of a new source as defined under § 122.2 has commenced if the owner or operator has:
 - (i) Begun, or caused to begin as part of a continuous on-site construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment; or
 - (B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation with a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under the paragraph.

31. Construction of the Facility commenced on or about March 17, 2005, which is after January 17, 2002, the effective date of Subpart I, and meets the specifications of Section 122.29. The Facility is therefore a “new source” as that term is defined in 40 C.F.R. §§ 122.2 and 122.29(b)(1), (2), and (4) .

32. The capacity of the existing water intake structure at the Facility, which is a stand-alone facility, was increased to accommodate the intake of additional cooling water, via the construction of a second intake line, after January 17, 2002. The Facility is therefore a “new facility” as that term is defined by Section 125.83 of Subpart I, 40 C.F.R. § 125.83.

33. The Facility is a point source that uses a cooling water intake structure with a design intake greater than 2 MGD and uses 100% of the water it withdraws for cooling purposes, and is therefore subject to the requirements of Subpart I.

34. Section 125.84 of Subpart I, 40 C.F.R. § 125.84, provides, in relevant part, as follows:

- (a) (1) The owner or operator of a new facility must comply with either:
 - (i) Track I in paragraph (b) or (c) of this section; or
 - (ii) Track II in paragraph (d) of this section.

* * *

- (b) Track I requirements for new facilities that withdraw equal to or greater than 10 MGD. You must comply with all of the following requirements.

* * *

- (6) You must submit the application information required in 40 C.F.R. 122.21(r) and § 125.86(b).

* * *

- (d) Track II. The owner or operator of a new facility that chooses to comply under Track II must comply with the following requirements:

* * *

(3) You must submit the application information required in 40 C.F.R. § 122.21(r) and § 125.86(c).

35. The Facility, which withdraws approximately 19.7 MGD, is required to comply with Track I or Track II as prescribed by Section 125.84(b)(6) and (d)(3) of Subpart I, 40 C.F.R. § 125.84(b)(6) and (d)(3).

36. Regulations implementing NPDES permit applications are codified at 40 C.F.R. Part 122 (“Federal Permit Regulations”).

37. Section 122.21(r) of the Federal Permit Regulations, 40 C.F.R. § 122.21(r), provides specified permit application requirements for facilities with cooling water intake structures. In particular, permit application requirements for new facilities with cooling water intake structures include the following:

- 122.21(r)(2) – Source water physical data
- 122.21(r)(3) – Cooling water intake structure data
- 122.21(r)(4) – Source water baseline biological characterization data

38. Section 125.86 of Subpart I, 40 C.F.R. § 125.86, requires the owner or operator of a new facility to demonstrate compliance by collecting and submitting information relating to flow reduction, a narrative description of the system, source waterbody flow information, and design and construction technology plan.

39. Defendant failed to comply with 122.21(r) or 125.82 at the time that Defendant submitted its initial permit application to Illinois EPA on January 10, 2012, at the time that Defendant submitted its request to modify its permit on October 16, 2012, and at the time that Defendant submitted its renewal permit application on May 26, 2017.

40. Special Condition 8 of Defendant’s NPDES Permit provides, in relevant part, as follows:

... [T]he permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information as necessary.

The information shall also include a summary of historical 316(b) related intake impingement and/or entrainment studies, if any, as well as current impingement mortality and/or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit’s effective date.

41. Pursuant to Special Condition 8 of the NPDES Permit, Defendant was required to prepare and submit to the Illinois EPA intake impingement and/or entrainment studies as well as current impingement mortality and/or entrainment characterization data on or about September 15, 2013.

42. As of the date of filing of this Complaint, Defendant has failed to prepare or submit information relating to intake impingement and/or entrainment studies or current impingement mortality and/or entrainment characterization data as required by Special Condition 8 of the Defendant’s NPDES Permit.

43. By violating Special Condition 8 of the NPDES Permit, Defendant discharged heated effluent into the Chicago River in violation of the NPDES Permit, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

44. Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), provides, in relevant part, as follows:

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

45. By failing to comply with reporting requirements set forth in Special Condition 8 of the NPDES Permit, Defendant violated Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b).

46. Section 306.201 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.201, provides as follows:

New water intake structures on waters designed for general use, whose construction begins after the effective date of this Chapter, shall be so designed as to minimize harm to fish and to other aquatic organisms.

47. By failing to comply with requirements set forth in Special Condition 8 of the NPDES Permit and in Subpart I, Defendant failed to minimize harm to fish and other aquatic organisms, in violation of Section 306.201 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.201.

48. Standard Condition 27 of the NPDES Permit provides, in relevant part, as follows:

The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C...

49. By failing to comply with Section 306.201 of the Board Water Quality Standards, 35 Ill. Adm. Code 306.201, Defendant thereby violated Standard Condition 27 of the NPDES Permit.

50. By violating Standard Condition 27 of the NPDES Permit, Defendant thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

51. By violating Sections 305.102(b) and 306.201 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 306.201, Defendant thereby violated Section

12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102 (a).

52. Violations of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court enter an Order granting a preliminary and, after trial, permanent injunction in favor of Plaintiff, and against the Defendant, 401 NORTH WABASH VENTURES, LLC, d/b/a TRUMP INTERNATIONAL HOTEL & TOWER:

1. Finding that the Defendant has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 305.102(b), 306.201, and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, and 309.102(a);

2. Ordering the Defendant to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 305.102(b), 306.201, and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, and 309.102(a);

3. Ordering the Defendant to immediately take the necessary actions that will result in a final and permanent abatement of the violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 305.102(b), 306.201, and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, and 309.102(a);

4. Assessing against the Defendant a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Sections 305.102(b), 306.201, and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, and 309.102(a);

5. Taxing all costs in this action, including attorney, expert witness, and consultant fees, against the Defendant; and

6. Granting such other relief as this court deems appropriate and just.

COUNT III
VIOLATION OF BOARD REGULATIONS

1-59. Plaintiff realleges and incorporates herein paragraphs 1 through 33 of Count I and paragraphs 24 through 51 of Count II as paragraphs 1 through 59 of this Count III.

60. Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), 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.

61. By violating Sections 305.102(b), 306.201, 309.102(a), and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, 309.102(a), and 309.104(a), Defendant caused, threatened or allowed the discharge of contaminants in violation of regulations adopted by the Pollution Control Board under the Act, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2016).

62. Violations of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court enter an Order granting a preliminary and, after trial, permanent injunction in favor of Plaintiff, and against the Defendant, 401 NORTH WABASH VENTURES, LLC, d/b/a TRUMP INTERNATIONAL HOTEL & TOWER:

1. Finding that the Defendant has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), and Sections 305.102(b), 306.201, 309.102(a), and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, 309.102(a), and 309.104(a);
2. Ordering the Defendant to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), and Sections 305.102(b), 306.201, 309.102(a), and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, 309.102(a), and 309.104(a);
3. Ordering the Defendant to immediately take the necessary actions that will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), and Sections 305.102(b), 306.201, 309.102(a), and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, 309.102(a), and 309.104(a);
4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), and Sections 305.102(b), 306.201, 309.102(a), and 309.104(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), 306.201, 309.102(a), and 309.104(a), and an additional Ten Thousand Dollars (\$10,000) per day that each violation continued to occur;
5. Taxing all costs in this action, including attorney, expert witness, and consultant fees, against the Defendant; and

6. Granting such other relief as this court 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: */s/ Elizabeth Wallace*
ELIZABETH WALLACE, Chief
Environmental Bureau
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