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## **MADIGAN FILES LAWSUIT FOR ALLEGED POLLUTION CAUSED BY EROSION, RUNOFF AT CONDO CONSTRUCTION SITE**

Chicago - Attorney General Lisa Madigan today announced a lawsuit against the developer of a Grafton condominium for allegedly allowing storm water runoff to erode the construction site and allowing silt-laden discharge to run off into a tributary of the nearby Illinois River.

In May 2003, the Illinois Environmental Protection Agency (IEPA) granted Reubel Adventures, Inc. of Grafton, a National Pollutant Discharge Elimination System (NPDES) permit that required it to implement a storm water pollution prevention plan and erosion control measures during construction of the Timber Ridge Condominium, a 32-unit building at the north end of Mulberry Street in Grafton.

According to Madigan's suit, an October 2004 IEPA inspection revealed that the developer's sediment controls were inadequate to prevent erosion. Another inspection, in November 2005, revealed that a stream bed, to which storm water at the site drained, was allegedly covered by heavy deposits of eroded silt and clay from the construction site and that water in the stream leading to the river was turbid with silt, although an offsite culvert is designed to carry storm water runoff from the stream to the Illinois River. Additionally, the inspections pointed out that the approximate 20 to 30 percent slope just below the ground floor of the building had not been adequately stabilized and showed evidence of severe erosion.

Moreover, a May 2006 IEPA inspection revealed several alleged reporting violations by Reubel Adventures for failing to update its storm water pollution prevention plan to account for changes in construction and excavation plans. This inspection also noted that the developer did not maintain records regarding storm water inspections.

The IEPA referred the case to Madigan's office which filed suit September 7 in Jersey County Circuit Court for alleged NPDES permit and water pollution violations. Madigan's suit seeks the maximum civil penalty of \$50,000 per violation and \$10,000 for each day the alleged violations continued.

Assistant Attorney General Jennifer Bonkowski is handling the case for Madigan's Environmental Bureau.

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