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MADIGAN, WALLER FILE SUIT FOR WATER POLLUTION, PERMIT VIOLATIONS AT LAKE COUNTY DEVELOPMENT

Chicago - Attorney General Lisa Madigan and Lake County State's Attorney Michael Waller today filed suit against the developer of a Lake County residential golf community alleging that inadequate stormwater management during construction allowed runoff to impact neighboring property and pollute a creek that leads to the Des Plaines River.

Toll Brothers, Inc., a Pennsylvania corporation, doing business as Toll Brothers Homes, Inc., 1156 West Shure Drive, Suite 160, in Arlington Heights, is named as the defendant in the five-count lawsuit filed in Lake County Circuit Court. The firm is currently developing Hawthorn Woods Country Club (HWCC) on 679 acres in Hawthorn Woods.

According to Madigan and Waller's lawsuit, in December 2004, the Illinois Environmental Protection Agency (IEPA) inspected the site in response to complaints from property owners belonging to the neighboring Countryside Lake Association and from the Lake County Health Department of heavy amounts of silt-laden stormwater runoff entering the lake from the HWCC site. Inspectors attributed the runoff to an unseeded area of the development where a single silt fence provided little or no erosion control. IEPA inspections in late December 2004 and additional inspections in 2005 and 2006 revealed continued severe erosion problems that resulted in highly turbid and discolored water flowing into Countryside Lake.

Indian Creek originates within the development and flows through the adjacent private property that is part of the Countryside Lake Association and is a major tributary of Countryside Lake, which drains into the Des Plaines river. Countryside Lake provides recreational facilities for approximately 1,200 people who reside along and in the vicinity of the lake which also provides a habitat for numerous wildlife, waterfowl and birds.

"It appears that Mother Nature helped to illustrate that not enough precautions were put in place to avoid severe runoff during bad weather," Madigan said. "There really is no reason why development and environmental safeguards can't coexist in a project of this magnitude."

The complaint asks the court to order Toll Brothers to take immediate steps to halt the discharge of stormwater runoff and resulting erosion at the site and to impose civil penalties of \$50,000 dollars for each violation and an additional

\$10,000 for each day the violations continued for alleged water pollution and failure to utilize adequate stormwater controls that resulted in the developer's failure to comply with terms of its National Pollutant Discharge Elimination System (NPDES) permit.

Madigan and Waller's suit also contains allegations stemming from a January 2005 IEPA inspection that revealed Toll Brothers constructed a sanitary sewer line and two lift stations and laid drinking water lines at the site without first obtaining construction permits from the IEPA. The suit seeks civil penalties of \$50,000 for each violation and an additional \$10,000 for each day the violations continued.

Assistant Attorney General Zemeheret Bereket-Ab is handling the case for Madigan's Environmental Bureau.

-30-

[Return to October 2006 Press Releases](#)