

Citizen Suit Enforcement/Clean Water Act: Sierra Club Notice of Intent to Sue Trump International Hotel & Tower (Chicago) for Alleged Violations



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Illinois Chapter of the Sierra Club and Friends of the Chicago River (collectively “Sierra Club”) sent a June 14th Clean Water Act Notice of Intent to Sue Trump International Hotel & Tower (“Trump International”) for alleged violations of the Clean Water Act.

The alleged violations are stated to involve Trump International’s operation of a cooling water intake structure that withdraws water from the Chicago River.

The Sierra Club June 14th letter states that Trump International holds a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit obtained from the Illinois Environmental Protection Agency. It cites Special Condition 8 of the permit, which is quoted as stating:

In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 C.F.R. § 125.90(b), the 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, or other information as necessary. This 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.

Standard Condition 27 of the NPDES permit is quoted as stating:

... “[t]he permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C . . .” Section 306.201 of that subtitle requires new water intake structures to “be so designed as to minimize harm to fish and to other aquatic organisms.” 35 Ill. Adm. Code § 306.201.

Sierra Club alleges that Trump International has not performed studies required by Special Condition 8 or undertaken the work necessary to minimize damage to aquatic life from its intake structure. Therefore, it is alleged that the facility violated and will continue to violate the NPDES permit and certain sections of the Clean Water Act and Illinois Administrative Code.

A copy of the June 14th [Notice of Intent to Sue](#) can be found here.

