

Wastewater Enforcement/Clean Water Act: Illinois Attorney General Second Amended Complaint Alleging Violations by Trump Tower (Chicago)



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The Illinois Attorney General (“AG”) filed a Second Amended Complaint (“Amended Complaint”) on September 28th in the Circuit Court of Cook County, Illinois, against 401 North Wabash Venture, LLC, d/b/a Trump International Hotel & Tower (“Trump Tower”) for alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See No. 18 CH 10229.

The AG filed the original complaint in 2018 against Trump Tower alleging violations of both the Illinois Environmental Protection Act and Illinois Pollution Control Board Regulations.

The original Complaint alleged that Trump Tower failed to submit the information required by the Illinois Environmental Protection Agency and the Clean Water Act to demonstrate compliance with the federal regulations addressing the building’s operation of a cooling water intake system. Sierra Club and Friends of the Chicago River filed an intervening Complaint alleging continuing violations of the Clean Water Act and a public nuisance.

The AG and intervening parties are stated to have entered into an Agreed Interim Order that required Trump Tower to comply with the terms of an expired NPDES permit. It was also required to report the average daily volume of heated water discharging into the Chicago River every month. Such discharge monitoring reports had been submitted since 2013 as required by its first NPDES permit.

The AG states that an expert witness for the Sierra Club and Friends of the Chicago River in examining data submitted by Trump Tower reported a significant discrepancy between the flow data recorded by the building’s automated system and discharge monitoring report data reported to the Illinois Environmental Protection Agency. This information is stated to have prompted the Amended Complaint.

Violations alleged by the Amended Complaint include:

- Discharge Without a National Pollutant Discharge Elimination System Permit
- Failure to Comply with NPDES Regulations Applicable to Cooling Water Intake Structures for New Facilities
- Violation of NPDES Permit Conditions
- Misreporting Discharge Flow in Monthly Discharge Monitoring Reports
- Violation of Illinois Pollution Control Board Regulations

The Amended Complaint asks for injunctive relief and assessment of penalties.

A copy of the Amended Complaint can be found [here](#).