

Clean Water Act Enforcement: Illinois Attorney General Sues Trump International Hotel & Tower (Chicago, Illinois) for Alleged Violations



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

08/16/2018

The Illinois Attorney General (“AG”) filed a Complaint for Injunctive Relief and Civil Penalties (“Complaint”) in the Circuit Court of Cook County, Illinois, against 401 North Wabash Venture, LLC, d/b/a Trump International Hotel & Tower (“Tower”) for alleged violations of the Clean Water Act. See No. 18CH2018CH10229.

The Tower is located in Chicago, Illinois.

The Tower’s building is stated to withdraw millions of gallons of water from the Chicago River per day to cool the building’s heating, ventilation and air conditioning system. It is stated to use a heating, ventilation and air conditioning (“HVAC”) system that contains a cooling water intake/discharge system. The system is stated to release thermal processed wastewater in the form of heated effluent into the Chicago River. The water that is withdrawn from the Chicago River is ultimately returned in the form of heated effluent through an outfall.

The Tower building is stated to have been issued a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit for discharges of heated effluent from the HVAC cooling water intake/discharge system on September 12, 2012. The permit is stated to expire on August 31, 2017. The Tower is stated to have submitted an application to renew its NPDES permit on May 26, 2017. The Illinois Environmental Protection Agency is stated to have not issued a new or renewed NPDES permit to the Tower covering its water intake structures or its discharge of heated effluent.

The AG alleges that the Tower is continuing to operate its water intake structure facility and is continuing to discharge heated effluent since the NPDES permit expired.

40 C.F. R. § 122.21(r) provides specified permit application requirements for facilities with cooling water intake structures. 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. The AG also alleges that the Tower failed to comply with C.F.R. § 122.21(r) or 40 C.F.R. § 125.82 at the time it submitted its initial application to the Illinois Environmental Protection Agency.

The Complaint requests the Court order the Tower to undertake certain actions and assess civil penalties.

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

