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Monte Mann Wins Summary Judgment for Great Lakes Vessel Operators in Challenge to Illinois EPA Regulations

JUNE 20TH, 2011

On June 17, 2011, Novack and Macey partner [Monte Mann](#) and his co-counsel, K&L Gates, won summary judgment for their client, a trade association of particular vessels that engage in extensive Great Lakes freight shipping. The summary judgment invalidates certain Illinois EPA regulations concerning ballast water discharged by these vessels. The Association, plaintiff, represents 17 member companies who operate 55 U.S.-flag self-propelled vessels called “lakers” and integrated tug-barge units on the Great Lakes. The ruling was issued by Judge Leslie J. Graves in [Lake Carriers Association \(“Association”\) v. Douglas P. Scott, Director of the Illinois Environmental Protection Agency \(“EPA”\) and the Illinois EPA, No. 09-MR-140](#), which is pending in the Circuit Court of Sangamon County, Illinois.

The court found that Illinois EPA and its Director, defendants, had enacted regulations concerning ballast water that are more stringent than allowed by law and otherwise failed to cite sufficient bases for the regulations. The court granted a rare writ of *certiorari*, finding that the Association had standing, its claims were ripe for judicial review, and the Association’s members had suffered “sufficient hardship in a ‘concrete’ way by showing the logistical challenge of retrofitting the . . . vessels” to meet the overly stringent rules.

The court held that Illinois EPA had exceeded its authority and the regulations are invalid and unenforceable. Consequently, the court enjoined Illinois EPA and its Director from enforcing the disputed regulations.

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