

For Immediate Release

Contact: Melissa Merz

312-814-3118

877-844-5461 (TTY)

mmerz@atg.state.il.us

February 23, 2006

**MADIGAN, WALLER AND RETAILER SETTLE ALLEGED
ENVIRONMENTAL VIOLATIONS DURING STORE
CONSTRUCTION**

***WAL-MART WILL PAY CIVIL PENALTY, CONDUCT EROSION
CONTROL TRAINING***

Chicago – Attorney General Lisa Madigan and Lake County State’s Attorney Michael Waller today said the nation’s largest retailer will pay a civil penalty and spearhead a training program under terms of an agreement to settle a lawsuit filed today for alleged violations during the construction of a superstore in Antioch.

The suit alleges Wal-Mart Stores Inc., a Delaware corporation, contributed to water pollution of a nearby wetland and lake when it began construction in late 2003 on a 31-acre site at the northwest corner of Illinois Route 173 and Deep Lake Road.

According to the agreement, filed today in Lake County Circuit Court, Madigan and Waller said the alleged violations have been corrected and that Wal-Mart has committed to maintaining proper groundcover and vegetation to prevent any further erosion now that the store is open for business.

The agreement requires Wal-Mart to pay a civil penalty of \$75,000 when the agreement is accepted and entered by the court. In addition, Wal-Mart will be required to perform a supplemental environmental project (SEP) that will consist of two training seminars for professionals on how to minimize and monitor storm water runoff during construction projects in Illinois. In cooperation with the Illinois Environmental Protection Agency (IEPA), Wal-Mart will present a wide range of information to those in the construction field on how to properly deal with soil that is disturbed during new construction and how to comply with state and local storm water, erosion and sediment control regulations. One of the seminars must be held near Antioch.

“This training will come as good news to residents in northeastern Illinois who are demanding that construction companies pay greater attention to all environmental laws as big-box retailers move into previously undeveloped areas,” Madigan said.

The agreement requires that a specially trained professional, experienced in storm water issues, will focus on best management practices for consultants,

inspectors and contractors who prepare, monitor and implement storm water pollution prevention plans.

The IEPA referred the case to Madigan's office. According to the complaint, Wal-Mart's erosion control measures were allegedly incapable of containing storm water on the premises during construction of the Antioch store, resulting in runoff overflowing into a roadside ditch along the side of Route 173. That runoff then entered a culvert that drains into a wetland south of Route 173. The wetland drains into East Loon Lake, both of which are part of the Fox River watershed.

Madigan and Waller's complaint also alleged that dirt and silt from clay materials at the building site in December 2003 and June 2004 flowed into the ditch and ended up in the wetland, creating a water pollution hazard. In addition, Wal-Mart allegedly failed to provide the IEPA with complete reports that are required under terms of the National Pollution Discharge Elimination System (NPDES) storm water permit granted before construction began.

Assistant Attorney General Paula Becker Wheeler is handling the case for Madigan's Environmental Protection Division.