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Contact: Melissa Merz

312-814-3118

877-844-5461 (TTY)

mmerz@atg.state.il.us

May 25, 2006

MADIGAN ASKS COURT TO REIMBURSE STATE FOR LEAKING WASTE VIOLATIONS

Chicago — Attorney General Lisa Madigan yesterday filed suit to recover thousands of dollars spent by the State of Illinois to properly dispose of hazardous wastes contained in storage drums that were allegedly abandoned by an Iroquois County company.

Madigan's suit against Ethic, Inc, located. at 2 nd and Raub Streets in Donovan, also names corporate officer Melvyn G. Marshall, of 11000 N. Road, Peotone, for cost recovery and for several environmental law violations, including abandonment of waste.

According to Madigan's lawsuit, in February 2004, Illinois Environmental Protection Agency (IEPA) inspectors responded to an anonymous tip and located 10 55-gallon drums at the site. The drums were closed but not labeled. Marshall allegedly informed the IEPA that the drums contained the contents of two underground storage tanks that had been removed in October 2000. According to Madigan's suit, removal of the underground storage tanks revealed significant petroleum contamination of the soil. Marshall repeatedly told IEPA that the storage drum contents would be sampled, removed and disposed. In March 2005, the IEPA paid a private disposal contractor \$3,987.75 to remove 10 drums at the site and notified Marshall of its intent to pursue legal action to recover the costs for their removal.

IEPA sample results showed that materials in five of the drums contained elevated levels of highly flammable benzene, toluene, ethylbenzene and other hazardous petroleum wastes. In August 2004, the IEPA issued a Violation Notice to Marshall; however, another Violation Notice was returned, unclaimed, in February 2005.

"The environment was threatened by the careless removal of two underground tanks," Madigan said. "We allege matters became worse when the dangerous contents of the tanks were stored in numerous unlabeled drums above ground."

Madigan's suit, filed in Iroquois County Circuit Court, seeks to require Ethic, Inc., and Marshall to reimburse the Hazardous Waste Fund for the costs of removing the storage drums. Madigan's suit also seeks injunctive relief, including possible remediation of the soil, a civil penalty of \$50,000 per violation, and an additional \$10,000 penalty for each day the defendants failed to investigate and remediate the site and for abandoning the site after

contaminated soil was allegedly found in the excavation of the two underground storage tanks.

The IEPA referred the case to Madigan's office. It is being handled by Assistant Attorney General Kristen Laughridge Gale of Madigan's Environmental Bureau.

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