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## **MADIGAN: LANDFILL OWNER CHARGED WITH CONTEMPT**

Chicago — Attorney General Lisa Madigan has filed civil contempt charges against the owner of two closed Illinois landfills for repeatedly failing to pay penalties and fulfill the terms of a court-ordered remediation at one of the sites.

Madigan's petition, filed Wednesday, June 21, in Rock Island Circuit Court, asks that ESG Watts, Inc., owner James Watts be incarcerated in the county jail until his company comes into compliance with a variety of outstanding judgments and pays more than \$1 million in penalties, fees and accumulated interest for violations at its closed Taylor Ridge landfill.

Madigan's petition for contempt cites Watts' failure to undertake and complete a March 1998 court order to properly close and remediate the groundwater and operate leachate and landfill gas extraction systems at Taylor Ridge. Along with the closure, Watts also was ordered to relocate more than 34,000 cubic yards of garbage that had been allowed to overflow the Taylor Ridge facility. While Watts filed several appeals with the Illinois Environmental Protection Agency (IEPA), none of the work has been completed.

"Last year, the IEPA last year granted Watts a permit for significant changes to the original closure plan. However, instead of meeting the requirements of the plan, Watts turned around and filed an appeal with the Illinois Pollution Control Board (IPCB) to avoid complying with any of the permit conditions," Madigan said.

Madigan said that other major events transpired during discussions with Watts. In June 2001, another enforcement proceeding was initiated by the Attorney General's office before the IPCB for ongoing violations at Taylor Ridge, resulting in a February 2004 ruling which imposed a \$1 million civil penalty that Watts has refused to pay. In August 2005, Madigan filed suit in Sangamon County Circuit Court to collect the penalty. A default judgment against Watts was entered on April 28 of this year.

According to Madigan, this is not the first time that Watts, when threatened with jail, begins compliance with court-ordered cleanups. Only after a contempt order was entered in August 2003 did Watts begin complying with a January 2000 consent order in Mercer County to remediate groundwater at a Viola landfill which ceased operations in 1992. Watts avoided incarceration when he posted a performance bond and began paying back more than \$284,000 in penalties.

Madigan's petition asks the court to summon Watts to appear at a hearing and to find him in contempt of court and jailed until he has paid the past due civil penalty and fines in addition to accrued interest on the \$1 million dollar penalty.

Bureau Chief Thomas Davis is handling the case for Madigan's Environmental Bureau.

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