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## **MADIGAN SUES FRANKLIN COUNTY EXCAVATING FIRM**

Chicago - Attorney General Lisa Madigan announced that her office has filed a lawsuit against a Franklin County business alleging water pollution and open dumping near Rend Lake in southern Illinois.

In April 2005, the Illinois Environmental Protection Agency (IEPA), responded to a citizen complaint and inspected property owned by Kirkman Excavating, Inc. at 9200 Rend City Road in Benton. The west side of the business borders a federally regulated wetland in the Big Muddy River floodplain three miles south of Rend Lake which supplies drinking water for several neighboring communities.

During the inspection, the IEPA observed approximately 5,000 cubic yards of construction and demolition waste and other debris at the edge of the wetland. An IEPA follow-up inspection in May 2005 revealed that no waste had been removed and that the entire site had been leveled to the elevation immediately next to the fill area. In addition, the IEPA inspection revealed that the waste had been pushed farther into the water and covered with soil and gravel. During an October 2005 inspection, the IEPA observed additional soil and gravel covering the waste and noted that various pieces of debris were protruding through the soil near the water's edge. Subsequent IEPA inspections conducted by the IEPA through October 2006 indicated that no waste had been removed from the area.

Madigan's suit, filed on January 23 in Franklin County Circuit Court, charges Kirkman Excavating and Jonathon D. Kirkman with water pollution, creating a water pollution hazard and open dumping and seeks a civil penalty of \$50,000 per violation and an additional \$10,000 for each day the violations continue.

Assistant Attorney General Michael Mankowski is handling the case for Madigan's Environmental Bureau.

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