



February 23, 2009

MADIGAN AND WILL COUNTY FILE ACTION AGAINST CATERPILLAR FOR RECENT SPILL***Lawsuit Seeks Answers to Why Storage Tank Overflowed at Joliet Facility Sending Thousands of Gallons of Oily Wastewater into the Des Plaines River***

Chicago — Attorney General Lisa Madigan and Will County State's Attorney James Glasgow today announced a lawsuit against Caterpillar, Inc. after a waste treatment tank at its Joliet facility overflowed earlier this month and spilled a reported 65,000 gallons of oily wastewater onto the ground. According to a Caterpillar report to the Illinois Emergency Management Agency (IEMA), approximately 6,500 gallons of the spill flowed downhill into the adjacent Des Plaines River.

"Although Caterpillar quickly reported the spill to authorities, the company must answer why the situation was allowed to occur and what steps it will implement to avoid similar events in the future," Madigan said. "These are necessary steps in protecting people and our wildlife and natural areas."

Madigan and Glasgow filed the seven-count complaint today in Will County Circuit Court against Caterpillar alleging violations that include endangering the environment, public health and welfare, water pollution, violations of water quality and effluent standards and National Pollutant Discharge Elimination System permit violations. In one count of system reliability violations, Madigan and Glasgow allege Caterpillar failed to adequately monitor its treatment facility or utilize other reasonable measures to minimize the consequences of just such a failure as occurred during the overnight hours of February 7 and 8. Six counts of the complaint seek the statutory maximum penalty of \$50,000 per violation and \$10,000 for each day the violation continues. The seventh count seeks a penalty of \$10,000 per day of violation.

"Caterpillar must be held accountable for the oil spill that threatened the public health, our environment and our waterways," Will County State's Attorney James Glasgow said. "While it is commendable the company moved quickly to report the incident and clean the river, citizens deserve a detailed accounting of the system failures that allowed this spill to occur in the first place. We're filing this lawsuit to ensure that Caterpillar implements safety measures necessary to prevent such a spill from happening in our community again."

Officials at Caterpillar discovered the incident at 2200 Channahon Road the morning of February 8, 2009, and notified IEMA. The Illinois Environmental Protection Agency referred the case to Madigan's office on February 10, 2009. Caterpillar officials believe the spill was caused when a malfunctioning switch allowed an oil-water separator at the facility's wastewater treatment plant to overflow. State and federal environmental officials have indicated that any damage to fish or wildlife was minimal.

Supervising Attorney Rebecca Burlingham and Assistant Attorney General Andrew Armstrong are handling the case for Madigan's Environmental Bureau. Assistant State's Attorney Mary Tatroe, Chief of the Civil Division, is handling the case for the Will County State's Attorney's Office.

In a related note, officials of the U.S. Environmental Protection Agency announced on February 18, 2009, that most of the cleanup activities associated with the February 8 oil spill are complete.

-30-

[Return to February 2009 Press Releases](#)

