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July 10, 2009

**ATTORNEY GENERAL MADIGAN, STATE'S ATTORNEY BRUSCATO SUE TO ENSURE THOROUGH CLEANUP AT ROCKFORD DERAILMENT SITE**

***Railroad Required To Perform Environmental Cleanup Following Fiery Derailment That Caused an Ethanol Spill from Overturned Tank Cars***

Chicago – Attorney General Lisa Madigan and Winnebago County State's Attorney Joseph Bruscato yesterday filed a six-count complaint alleging environmental violations following last month's train derailment in which 12 tank cars carrying ethanol caught fire and burned at the Mulford Road crossing in Rockford. The suit is intended to help protect the affected area and the residents who live nearby from the damage caused by the intense fire and the release of thousands of gallons of ethanol into the ground near approximately 100 private wells and two community water supply wells.

Along with filing the suit, Attorney General Madigan requested, and the Court entered, an agreed order which ensures a thorough investigation and implementation of action plans by the railroad to address the environmental damage the accident caused.

Madigan and Bruscato jointly filed the complaint yesterday in Winnebago County Circuit Court, asking the Court to order the Chicago, Central & Pacific Railroad (CCP) to take immediate cleanup action and submit timely reports to the Illinois Environmental Protection Agency (IEPA) as the remediation progresses. The IEPA referred the matter to Madigan's office on June 25, 2009, following the derailment that occurred the evening of June 19.

"It is imperative that we take quick action to assess the environmental damage from this dangerous derailment and put an immediate clean-up plan in place," said Madigan. "We are working to ensure that all possible steps are taken to protect the residents of this area and the environment."

Fourteen tank cars of the 114-car train, each containing 30,000 gallons of ethanol, derailed. Twelve of those cars caught fire, consuming an estimated 360,000 gallons of the ethanol. The two other derailed tank cars did not burn but were damaged and spilled approximately 55,000 to 75,000 gallons of ethanol into the surrounding soil and into an unnamed creek, which is a tributary to the Kishwaukee River, potentially affecting groundwater and surface water.

The agreed order that the Court entered today requires the CCP to immediately begin remediation at the derailment site and to continue the effort until the IEPA determines that the aftermath of the derailment poses no further threat to public health or the environment. The Court also required that the railroad take the following specific actions:

- Submit to the IEPA, within 30 days, a report on the results of the June 25, 2009, initial field sampling for soil and groundwater contamination and the June 22, 2009, sampling of surface water and well water and identify the cleanup objectives for contaminants including Benzene, Toluene, Ethylene, and Xylene (BTEX), ethanol, acetaldehyde, volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs).
- Conduct a thorough survey of private wells and community water supplies within a one-mile radius of the of the derailment site to determine whether any contamination exists. The order requires that CCP conduct this survey in coordination with the IEPA, the Illinois Department of Public Health (IDPH), and the Winnebago County Public Health Department. If the sampling shows that levels of some chemicals exceed legally-allowed standards, the order requires CCP to provide bottled water to affected homes and buildings.
- Provide IEPA with documentation on contacts with all home or building owners and occupants by the Canadian National (CN) Environmental Department or its environmental consultants regarding sampling of their property in the aftermath of the derailment. Additionally, the order requires CCP to inform the IEPA of any contact the CN Environmental Department has with any government official in connection with the derailment.

- Submit monthly reports to the IEPA describing the work performed as required by today's court order as well as any work anticipated during the month. The monthly report will include all soil and groundwater sample results obtained during the period.

The complaint asks the Court to mandate total remediation of the accident site including soil, groundwater and surface water impacted by the ethanol and its degradation byproducts. The complaint also asks the Court to order CCP to pay all costs associated with the cleanup.

The Court has scheduled a status hearing on the case in Winnebago County Circuit Court on September 10, 2009 at 9 a.m.

Supervising Attorney Elizabeth Wallace, Assistant Attorneys General Jennifer Van Wie and Zemeheret Bereket-Ab are handling the case the Madigan's Environmental Bureau.

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