



September 2, 2011

**MADIGAN ALLEGES AIR AND WATER POLLUTION BY MACOUPIN COUNTY SWINE OPERATION**

Chicago — Attorney General Lisa Madigan has filed suit against a Macoupin County swine finishing operation, alleging that water and air pollution has resulted from years of generating more livestock waste than the facility's aging waste-handling system could accommodate.

Madigan's lawsuit names Fragrant 40, LLC as defendant. The operation is a 4,500-head swine operation with manure pits underneath seven permanent finishing buildings, of which five are used in the business. Fragrant 40 has ongoing problems keeping up with the management of its livestock waste system. Additionally, clean water diversion problems at the facility have contributed to a buildup of waste that has caused the system to overflow. According to Madigan's complaint, these problems have resulted in not only the alleged water pollution violations but also offensive odor allegations and citizen complaints.

"This operation's failure to have a proper waste system has resulted in air and water pollution that jeopardizes the area's public health," said Attorney General Madigan.

Madigan's complaint, filed Wednesday, August 31, in Macoupin County Circuit Court, contains six counts alleging water and air pollution as well as violations of Illinois EPA permits. In the air pollution count, Attorney General Madigan details the problems caused for families living near the facility due to offensive odors. One family said odors emanating from the facility forced them to cancel a Fourth of July celebration at their home last year. On another occasion, a visiting family member became ill from odors coming into the home.

According to the complaint, during two of three Illinois EPA inspections in November 2009, the lagoon at the Fragrant 40 facility was overflowing and discharging liquid waste into a nearby creek that leads to the Illinois River. A third discharge resulted from a hose that burst during land application of manure. The IEPA issued a violation notice to Fragrant 40 for the discharges.

Madigan's complaint seeks a \$50,000 penalty for each violation and an additional \$10,000 for each day the violations continue for the lagoon overflow discharges, equipment malfunctions and recent discharges from confinement buildings.

Senior Assistant Attorney General Jane McBride is handling the case for Madigan's Environmental Bureau in Springfield.

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