



October 31, 2011

**ATTORNEY GENERAL MADIGAN, STATE'S ATTORNEY HERRMANN SUE RAILROAD OVER CLEANUP AT TISKILWA
DERAILMENT SITE**

Chicago — Attorney General Lisa Madigan and Bureau County State's Attorney Patrick Herrmann today filed suit alleging environmental violations occurred in the aftermath of the October 7 derailment near Tiskilwa in which nine tank cars transporting ethanol caught fire.

The lawsuit seeks to protect the area and nearby residents from the damage caused by the fire and the release of thousands of gallons of ethanol. At least three drinking water wells are located in the vicinity of the derailment site in addition to Plow Hollow Creek and Big Bureau Creek, which eventually flow into the Illinois River. The complaint asks the court to require a complete cleanup and asks the court to order Iowa Interstate Railroad, Ltd. to pay all costs associated with the cleanup.

In addition to filing the three-count suit, Attorney General Madigan and State's Attorney Herrmann requested, and the court entered, an agreed order to ensure that while the lawsuit proceeds the Iowa Interstate Railroad works with the state to conduct a thorough investigation and cleanup to address any environmental damages the early-morning derailment caused.

"With an ethanol spill of this magnitude, we must ensure that the proper steps are taken to clean up the area and protect the public's health and safety during that process," Madigan said.

Of the 26 derailed cars, approximately 10 tank cars each contained 30,000 gallons of denatured ethanol. Nine of the overturned cars caught fire, which consumed much of the ethanol, but authorities believe an unknown quantity of ethanol seeped into the porous soil. The release of ethanol and its by-products can cause adverse health effects and harm to the environment as it leaches from the accident site.

Today's court order requires Iowa Interstate Railroad to:

- Report the results of testing of all samples of air, soil, groundwater and surface water at and around the site, taken from October 7 to today, as well as all data related to modeling and hydrogeologic studies.
- Conduct a survey of private wells and community water supplies within a one-mile radius of the derailment site to determine if contamination occurred. The order requires that Iowa Interstate Railroad conduct this survey and sampling in coordination with the IEPA, the Illinois Department of Public Health (IDPH), and the Bureau County Public Health Department. If testing of the water samples shows that levels of some chemicals exceed the legally allowed standards, the order requires the railroad to provide bottled water to affected homes and buildings.
- Submit bi-weekly and monthly progress reports to the IEPA. The monthly report must include all soil, surface water and groundwater sample results obtained during the period.

Madigan and Herrmann jointly filed the documents today in Bureau County Circuit Court, asking the court to order Iowa Interstate Railroad to submit timely reports to the Illinois Environmental Protection Agency (IEPA) as the investigation of possible air, water and soil pollution continues. The IEPA referred the matter to Madigan's office earlier this month.

The court has scheduled a status hearing on the case in Bureau County Circuit Court on February 3, 2012, at 11:15 a.m.

Supervising Attorney Elizabeth Wallace and Assistant Attorney General Andrew Nicholas are handling the case for Madigan's Environmental Bureau.

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