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September 14, 2012

MADIGAN TAKES ACTION AGAINST PIPELINE COMPANIES FOR SPILLS NEAR PALOS PARK, LOCKPORT

Owner/Operator Must Assess Environmental Impact of August Spill in Cook County; Pay Civil Penalty for 2010 Spill in Will County

Chicago — Attorney General Lisa Madigan obtained a preliminary injunction requiring two pipeline companies to clean up a jet fuel spill that occurred in late August along a section of pipeline near the Cal-Sag Channel in Palos Park.

The court action occurred shortly after a consent order in Will County Circuit Court was entered this week to resolve a previous lawsuit that was filed in December 2010 for a ruptured oil pipeline in Lockport owned and operated by the same defendants.

Palos Park Pipeline Leak

During the early morning hours of Aug. 27, a pipeline near 8700 West Route 83 was discovered to be leaking. In referring the case to Madigan's office for prosecution, the Illinois Environmental Protection Agency estimated that at least 29,400 gallons of jet fuel soaked into the ground and then entered a drainage ditch and flowed into the Cal-Sag Channel. Buckeye Pipe Line Co. L.P. operates the pipeline for owner West Shore Pipe Line Co.

"Even though emergency repairs were made to protect the surrounding environment, this court action will require that the pipeline's owner and operators thoroughly assess the damage and restore the area," Madigan said. "The preliminary injunction is the first step toward ensuring that the companies involved are held fully responsible for this incident."

Through the preliminary injunction obtained by Madigan's office, a Cook County judge ordered a full investigation into the extent of the contamination and required the companies to inform the Illinois EPA of the initial repairs made to the pipeline and to document the proper disposal of contaminated water and soil. In addition, the defendants must submit for approval a work plan to remediate the site and submit records for the last 10 years of inspections and maintenance on the pipeline. The defendants were also ordered to detail what they've communicated with area residents. Finally, as this is the companies' second release in the area in the last 20 months, the court order requires them to submit a report to the Illinois EPA detailing the cause of the spill and a statement of the preventive measures they plan to implement to prevent similar pipeline releases from occurring.

The court set a status hearing on this matter for Nov. 15, 2012.

Lockport Crude Oil Spill Consent Order

Meanwhile, earlier in the week, Madigan's office and the Will County State's Attorney's office filed a consent order in Will County Circuit Court to resolve their December 2010 complaint concerning the rupture of another West Shore-owned pipeline operated by Buckeye which caused some 21,000 gallons of crude oil to spill along S. New Ave. in Lockport. The spillage flowed into wetlands and eventually drained into the Illinois and Michigan Canal and the Des Plaines River. Madigan and State's Attorney James Glasgow filed suit to ensure that residents were protected from potential health hazards related to the spill, as a number of private wells and other non-community water supply wells were located in the vicinity of the spill site.

Under the terms of the consent order, the defendants will pay a civil penalty of \$108,000 for deposit into the state's Environmental Protection Trust Fund and pay for the Illinois EPA's response and oversight costs in dealing with the spill. In addition, the defendants will pay a civil penalty of \$10,000 to Will County as well as reimburse the county for emergency services and its investigative costs after the incident.

Assistant Attorneys General Stephen Sylvester and Jamie Davidson are handling the cases for Madigan's Environmental Bureau.

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