



June 13, 2013

ATTORNEY GENERAL MADIGAN, STATE'S ATTORNEY BRUSCATO: NOVA-KEM TO REMAIN CLOSED UNTIL CAUSE OF EXPLOSION DETERMINED

Chicago — Attorney General Lisa Madigan and Winnebago County State's Attorney Joseph Bruscatto today announced a court order will keep a Winnebago County chemical manufacturing company damaged by an explosive fire closed until the Illinois Environmental Protection Agency (IEPA) determines it is safe to re-start operations at the Seward plant.

The joint filing against Nova-Kem, LLC is in response to the explosion that set off a fire on June 2 at the plant located on S. Sixth St. The plant manufactures hexachlorodislane (HCDS) and other chemicals used for high-tech applications. HCDS is highly corrosive if it is inhaled, ingested or comes in contact with the skin or eyes.

According to the joint complaint, smoke emitted from the plant may have contained particulate matter, chemical burn products and other hazardous substances, including chlorine and hydrogen chloride. Authorities evacuated a two-mile area surrounding the facility, including the entire town of Seward, after multiple fire departments and Rockford's hazardous materials team responded to the fire.

"This incident created a significant threat to the public's safety and the surrounding environment," Madigan said. "We're taking this legal action to ensure the area is secured and the site is cleaned up before the facility can resume operations."

"State's Attorney Bruscatto's primary concern is the safety of the citizens in the area near the site of the fire," stated Deputy State's Attorney David Kurlinkus who is representing the State's Attorney's office in the case. "To that end, we will provide any local support and assistance required by the Attorney General as this case proceeds."

The immediate injunction requires Nova-Kem, LLC to secure the facility and restrict public access. The order also requires the company to immediately hire a structural engineer to ascertain the accessibility of the buildings, and if accessible, to identify any flammable or explosive materials at the site. Further, Nova-Kem must provide copies of any air, water and soil sampling; identify the quantity of the chemicals and other materials that were emitted into the area surrounding the facility; submit cleanup and corrective action work plans for approval by the IEPA and the Attorney General's office. The Attorney General and State's Attorney are continuing to work to require the company to engage in additional investigation and cleanup efforts to address any offsite contamination.

The complaint filed by Madigan and Bruscatto's offices seeks civil penalties of \$50,000 for each violation of the state's environmental laws and an additional \$10,000 for each day of each violation.

The IEPA referred the case to Madigan's office. Assistant Attorneys General Thomas Shepherd and Jennifer Van Wie are handling the case for Madigan's Environmental Bureau.

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