

FILED  
3/20/2026 9:23 AM  
Mariyana T. Spyropoulos  
CIRCUIT CLERK  
COOK COUNTY, IL  
2026CH02667  
Calendar, 5  
37199943

**IN THE CIRCUIT COURT FOR COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* KWAME RAOUL, Attorney )  
General of the State of Illinois, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PETROLEUM FUEL & TERMINAL )  
COMPANY, a Missouri Corporation, )  
 )  
Defendant. )

No. 2026CH02667

**COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES**

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Defendant, PETROLEUM FUEL & TERMINAL COMPANY, a Missouri Corporation, as follows:

**COUNT I  
CAUSING OR ALLOWING WATER POLLUTION**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against PETROLEUM FUEL & TERMINAL COMPANY (“Defendant”), pursuant to Section 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2024).

2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2024), and charged with, *inter alia*, the duty of enforcing the Act.

FILED DATE: 3/20/2026 9:23 AM 2026CH02667

3. At all times relevant to this Complaint, Defendant has been and is a Missouri corporation in good standing with the Illinois Secretary of State.

4. Defendant leases and operates a storage, handling, and distribution terminal for petroleum products, including liquid asphalt (the “Facility”), located at 4805 South Harlem Avenue, Forest View, Cook County, Illinois.

5. As of the date of filing of this Complaint, the Facility is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

6. The Chicago Sanitary and Ship Canal (“Canal”), an approximately 28-mile-long canal that flows from the Chicago River to the Des Plaines River, runs along the southern boundary of the Facility.

7. On or around February 2, 2025, an aboveground storage tank at the Facility, identified as aboveground storage tank 80-2 (“Tank 80-2”), which can hold up to 80,000 barrels of liquid asphalt, contained at least 6,000 barrels of liquid asphalt.

8. On or around February 2, 2025, a two-inch bypass loop on a valve failed on a pipe connected to Tank 80-2.

9. On or around February 2, 2025, approximately 6,000 barrels of liquid asphalt were discharged from Tank 80-2 through the failed valve.

10. On June 19, 2025, Defendant reported to the United States Coast Guard (“USCG”) National Response Center (“NRC”) that the liquid asphalt discharged from Tank 80-2 on or around February 2, 2025, flowed from the failed valve into the Canal via a manhole connected to the stormwater system overflow line that leads to an outfall into the Canal.

11. Defendant reported to NRC that approximately 4,000 barrels of the liquid asphalt discharged from Tank 80-2 on or around February 2, 2025, flowed into the Canal, and approximately 2,000 barrels of liquid asphalt remained in the stormwater system overflow line.

12. On February 4, 2025, staff at the Facility observed a sheen on the surface of the Canal near the Facility and reported the sheen to the NRC.

13. On February 4, 2025, the United States Environmental Protection Agency (“USEPA”) and Illinois EPA received a report from the NRC stating that the sheen on the surface of the Canal near the Facility was dark black in color.

14. On February 4, 2025, staff from USEPA arrived at the Facility to assess the reported sheen. USEPA determined that it was an oil sheen caused by a liquid asphalt discharge into the Canal from the Facility and that the asphalt needed to be contained and removed.

15. On February 4, 2025, Defendant hired Heritage Environmental Services (“Heritage”) to conduct containment and cleanup activities at the Facility and the Canal.

16. On February 4, 2025, Heritage deployed booms in the Canal near the Facility to contain the liquid asphalt discharged into the Canal.

17. On February 10, 2025, Heritage began recovering discharged asphalt from the Canal.

18. On February 13, 2025, Heritage installed additional containment booms within the Canal around the spill location, shoreline, and downstream.

19. Between February 13, 2025 and April 19, 2025, Defendant recovered approximately 527 tons of asphalt and associated waste from the waters and shoreline of the Canal.

20. On April 7, 2025, USEPA and USCG inspected the Canal, and they found that removal of asphalt from the Canal was likely complete based on visual observation.

21. On May 1, 2025, Defendant and USEPA entered an Administrative Order on Consent for Removal Actions (“AOC”), Docket No. CWA-1321-5-25-001f, requiring that Defendant develop and implement a series of phased work plans to remove the asphalt from all affected areas, including the stormwater system, the Canal and canal bed sediments, and the shorelines of the Canal.

22. On May 12, 2025, the NRC received a report of a thick, tar-like substance in the Canal from Ingredion, Inc., a facility located on the Canal near Bedford Park, Illinois, approximately 2 miles downstream of the Facility (“Ingredion”).

23. On May 12, 2025, USEPA conducted an assessment of the shoreline near Ingredion and observed asphalt material along the shoreline and in patches within the Canal.

24. As part of the May 12, 2025 assessment, USEPA determined that the source of the observed asphalt material was the Facility and directed Defendant to initiate cleanup actions, including removal of asphalt from the Canal and deployment of additional containment booms.

25. On or around May 12, 2025, liquid asphalt that was previously discharged from the Facility, which had hardened and sunk in colder temperatures, floated to the surface when the water temperature increased to approximately 60° F (15.5° C) causing oil sheens on the surface of the Canal and visible asphalt deposits in the waters of the Canal.

26. Between May 12, 2025 and May 17, 2025, additional booms were deployed along the Canal between Ingredion and Willow Springs Road.

27. On May 19, 2025, asphalt material was present near the Lockport Lock and Dam, approximately 23 miles downstream of the Facility, and additional booms were deployed to contain the asphalt material.

28. On May 27, 2025, additional booms were placed in the Canal downstream of the confluence of the Canal and the Des Plaines River, approximately 24 miles downstream of the Facility. At that time, approximately 13,700 total feet of boom was deployed in the Canal to contain the asphalt release from the Facility.

29. Between May 17, 2025 and July 25, 2025, cleanup continued near the initial spill site. Cleanup methods included the use of excavators to lift chunks of asphalt material, some as large as cars, from the surface water and bed of the Canal onto barges.

30. Between May 13, 2025 and July 25, 2025, an additional 1,234 tons of asphalt material were removed from the Canal near the initial spill site, and an additional 148 tons were removed by boat crews downstream of the Facility.

31. On July 11, 2025, 32,215 gallons of water contaminated with asphalt material were pumped out of a storm sewer underneath the Facility.

32. Between July 25, 2025 and August 29, 2025, 878 tons of asphalt material were pumped up from storm sewers beneath the Facility, placed into 20 yard roll off boxes with the contaminated water, and transported to an approved landfill for disposal.

33. On October 27, 2025, Illinois EPA conducted a site visit of the Facility, and there was asphalt in the water of the Canal and along the shoreline of the Canal.

34. From February 2, 2025 through November 2, 2025, at least 133 reported injuries to wildlife were caused by oil related to Defendant's discharge of asphalt into the Canal.

35. Upon information and belief, as of the date of the filing of this Complaint, asphalt material has hardened and sunk in the waters of the Canal due to low temperatures.

36. Upon information and belief, as of the date of the filing of this Complaint, asphalt material remains in the Canal and on the shoreline of the Canal.

37. As of the date of the filing of this Complaint, the remedial actions required under the AOC remain incomplete.

38. Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under the Act.

39. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

40. Defendant, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

41. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

42. The liquid asphalt discharged by Defendant is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

43. Section 3.550 of the Act, 415 ILCS 5/3.550 (2024), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State.

44. The Canal constitutes “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2024).

45. Section 3.545 of the Act, 415 ILCS 5/3.545 (2024), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

46. Defendant’s discharge of liquid asphalt into the Canal has created a nuisance and rendered such “waters” harmful or detrimental or injurious to public health, safety or welfare, or to legitimate uses, including to wild animals, birds, fish, or other aquatic life, and thus constitutes “water pollution” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2024).

47. By causing and/or allowing liquid asphalt, a contaminant, to be discharged into waters of the State, Defendant caused and/or allowed water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

48. Violations of the pertinent environmental statute will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after a trial, permanent injunction in favor of Plaintiff and against Defendant, PETROLEUM FUEL & TERMINAL COMPANY, with respect to Count I:

1. Finding that Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);
2. Enjoining Defendant from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);

3. Ordering Defendant to immediately take the necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);

4. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a),<sup>1</sup> a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

6. Ordering Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

7. Granting such other relief as this Court deems appropriate and just.

---

<sup>1</sup> On June 16, 2025, the State of Illinois enacted Public Act 104-006, which amended Section 42(a) of the Act, 415 ILCS 5/42(a), to change the maximum penalty amounts under that section to \$100,000 per violation and \$25,000 per day each violation continues. Pub. Act 104-006 (eff. June 16, 2025), § 5-35. The amendment provides for these amounts to be increased annually based on the consumer price index. *Id.* The amendment took effect immediately. Pub. Act 104-006, § 99-99.

**COUNT II**  
**CREATING A WATER POLLUTION HAZARD**

1-44. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 37 and paragraphs 39-45 of Count I as paragraphs 1 through 44 of this Count II.

45. Section 12(d) of the Act, 415 ILCS 5/12(d) (2024), provides as follows:

No person shall:

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

46. On or around February 2, 2025, Defendant caused or allowed liquid asphalt to be discharged onto the ground at the Facility, which migrated to the waters and shoreline of the Canal.

47. Defendant, by discharging liquid asphalt onto the ground at the Facility, allowed the deposition of contaminants upon the land in such a place and manner so as to create a water pollution hazard.

48. By depositing liquid asphalt, a “contaminant,” upon the land in such place and manner as to create a water pollution hazard, Defendant violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2024).

49. Violations of the pertinent environmental statute will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after a trial, permanent injunction in favor of Plaintiff and against Defendant, PETROLEUM FUEL & TERMINAL COMPANY, with respect to Count II:

1. Finding that Defendant violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2024);
2. Enjoining Defendant from any future violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024);

3. Ordering Defendant to immediately take the necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024);

4. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024), that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024), that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

6. Ordering Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

7. Granting such other relief as this Court deems appropriate and just.

**COUNT III**  
**VIOLATION OF WATER QUALITY STANDARDS:**  
**OFFENSIVE CONDITIONS**

1-44. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 44 of Count I as paragraphs 1 through 44 of this Count III.

45. Section 304.105 of the Illinois Pollution Control Board (“Board”) Water Pollution Regulations, 35 Ill. Adm. Code 304.105, provides in pertinent part as follows:

In addition to the other requirements of this Part, effluent must not, alone or in combination with other sources, cause a violation of any applicable water quality standard. . . .

46. Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, provides in pertinent part as follows:

Offensive Conditions:

Waters of the State must be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, and color or turbidity of other than natural origin. . . .

47. Section 301.275 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.275, provides the following definition:

“Effluent” means any wastewater discharged, directly or indirectly, to the waters of the State or to any storm sewer, and the runoff from land used for the disposition of wastewater or sludges, but does not otherwise include nonpoint source discharges such as runoff from land or any livestock management facility or livestock waste handling facility subject to regulation under Subtitle E.

48. Section 301.425 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.425, provides the following definition:

“Wastewater” means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

49. Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), provides, in pertinent part, the following definition:

“Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, . . . .

50. The asphalt discharged from the Facility on or around February 2, 2025 is discarded material and is therefore both “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), and “wastewater” as that term is defined in Section 301.425 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.425.

51. The asphalt discharged from the Facility on or around February 2, 2025 is “wastewater” that was discharged into the waters of the State and is therefore “effluent” as that term is defined in Section 301.275 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.275.

52. From February 2, 2025 to the date of the filing of this Complaint, Defendant caused or allowed asphalt to be discharged into and present in the Canal, causing bottom deposits, floating debris, visible oil sheens, and unnatural color in the Canal.

53. By causing or allowing liquid asphalt to enter the Canal, causing bottom deposits, floating debris, visible oil sheens, and unnatural color, Defendant created “offensive conditions” as that term is defined by Section 302.203 of the Board Water Pollution Regulations, thereby violating Sections 302.203 and 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105.

54. By violating Sections 302.203 and 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105, the Defendant thereby also violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

55. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after a trial, permanent injunction in favor of Plaintiff and against Defendant, PETROLEUM FUEL & TERMINAL COMPANY, with respect to Count III:

1. Finding that Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Sections 302.203 and 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105;

2. Enjoining Defendant from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(a)(2024), and Sections 302.203 and 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105;

3. Ordering Defendant to immediately take the necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Sections 302.203 and 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105;

4. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a)(2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Sections 302.203 and 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105, that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Sections 302.203 and 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105, that occurred on and after

June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

6. Ordering Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

7. Granting such other relief as this Court deems appropriate and just.

**COUNT IV**  
**VIOLATION OF WATER QUALITY STANDARDS:**  
**OFFENSIVE DISCHARGES**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, against Defendant pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2024).

2-49. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 44 of Count I, and paragraphs 47 through 51 of Count III, as paragraphs 2 through 49 of this Count IV.

50. Section 304.106 of the Board Water Pollution Regulations, 5 Ill. Adm. Code 304.106, provides as follows:

In addition to the other requirements of this Part, effluent must not contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

51. From February 2, 2025 to a date better known to Defendant, Defendant caused or allowed asphalt to be discharged into the Canal causing bottom deposits, floating debris, visible oil sheens, and unnatural color in the Canal.

52. From February 2, 2025 to the date of the filing of this Complaint, Defendant caused or allowed asphalt to be present in the Canal, causing bottom deposits, floating debris, visible oil sheens, and unnatural color in the Canal.

53. By causing or allowing liquid asphalt, an effluent containing settleable solids, floating debris, visible oil sheens, and sludge solids, to enter the Canal, Defendant created an “offensive discharge” as that term is defined by Section 304.106 of the Board Water Pollution Regulations, thereby violating Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106.

54. By violating Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106, the Defendant thereby also violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

55. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after a trial, permanent injunction in favor of Plaintiff and against Defendant, PETROLEUM FUEL & TERMINAL COMPANY, with respect to Count IV:

1. Finding that Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106;

2. Enjoining Defendant from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106;

3. Ordering Defendant to immediately take the necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106;

4. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106, that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106, that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

6. Ordering Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

7. Granting such other relief as this Court deems appropriate and just.

**COUNT V**  
**COST RECOVERY**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, pursuant to Section 25c-1(d) of the Act, 415 ILCS 5/25c-1(d) (2024) and Section 10(d) of the Oil Spill Responders Liability Act, 740 ILCS 113/10(d) (2024), and is an action to recover removal costs Plaintiff has incurred and will incur for overseeing response and cleanup activities arising from the release of liquid asphalt at the Facility.

2-37. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 37 of Count I as paragraphs 2 through 37 of this Count V.

38. Beginning on May 15, 2025 and continuing through the date of the filing of this Complaint, Illinois EPA has provided and continues to provide personnel and oversight in response to the release of liquid asphalt from the Facility.

39. Section 25c-1(d) of the Act, 415 ILCS 5/25c-1(d) (2024), provides as follows:

In addition to any other authority provided by State or federal law, the Agency shall be entitled to recovery of costs incurred by it in response to releases and threats of release of petroleum from any persons who are responsible for causing, allowing, or threatening such releases.

40. Section 25c-1(c) of the Act, 415 ILCS 5/25c-1(c) (2024), provides as follows:

For the purposes of implementing this Section, “petroleum” means crude oil, refined petroleum, intermediates, fractions or constituents of petroleum, brine or salt water from oil production, oil sheens, hydrocarbon vapors, and any other form of oil or petroleum.

41. The asphalt released by the Defendant on or around February 2, 2025, is a petroleum product derived from refining crude oil and is therefore “petroleum” as that term is defined by Section 25c-1(c) of the Act, 415 ILCS 5/25c-1(c) (2024).

42. Illinois EPA has incurred and will continue to incur costs, including but not limited to removal costs that have been and will be incurred for overseeing response and cleanup activities, as a result of the release and threatened release of petroleum into the environment and is entitled to recover those costs from Defendant pursuant to Section 25c-1(d) of the Act, 415 ILCS 5/25c-1(d) (2024).

43. Section 10 of the Oil Spill Responders Liability Act, 740 ILCS 113/10 (2024), provides, in pertinent part, as follows:

\* \* \*

- (d) A responsible party is liable for any damages or removal costs, whether present or future, resulting from or arising out of any discharge, as defined in Section 5 [740 ILCS 113/5].
- (e) Nothing in this Section affects the liability of a responsible party for oil spill response under State law.

44. Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2024), provides the following definitions:

“Damages” means damages of any kind for which liability may exist under the laws of this State resulting from, arising out of, or related to the discharge or threatened discharge of oil.

“Discharge” means an emission, other than natural seepage, intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

\* \* \*

“Oil” means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with a waste other than dredged spoil, but does not include petroleum, including crude oil or any fraction of crude oil, that is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of Section 101(14) of the federal Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601) and that is subject to the provision of that Act.

“Person” means an individual, a corporation, a partnership, an association, the State, a municipality, a commission, or a political subdivision of the State, or an interstate body.

“Removal costs” means the cost of removal incurred after a discharge of oil or, when there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from an incident.

“Responsible party” means a responsible party as defined under Section 1001 of the Oil Pollution Act of 1990, Public Law No. 101-380(33 U.S.C. 1001).

45. Section 2701(32) of the Oil Pollution Act of 1990, 33 U.S.C. 2701(32), defines “responsible party” as:

(B) Onshore facilities

In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a Federal agency, State, municipality, commission, or political subdivision of a State, or any interstate body, that as the owner transfers possession and right to use the property to another person by lease, assignment, or permit.

46. As the operator of the Facility, Defendant is a “responsible party” as that term is defined by Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2024).

47. The release of 6,000 barrels of liquid asphalt from Tank 80-2 through the failed valve at the Facility on or around February 2, 2025, is a “discharge” as that term is defined by Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2024).

48. The liquid asphalt discharged by the Defendant on or around February 2, 2025, is a petroleum product and is therefore “oil” as that term is defined by Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2024).

49. Illinois EPA has incurred and will continue to incur damages and removal costs for overseeing response and cleanup activities as a result of the release and threatened release of oil

into the environment, and is entitled to recover those damages and removal costs from Defendant pursuant to Section 10(d) of the Oil Spill Responders Liability Act, 740 ILCS 113/10(d) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant, PETROLEUM FUEL & TERMINAL COMPANY, with respect to Count IV:

1. Finding that Defendant is liable for the damages and removal costs incurred by Plaintiff as a result of the discharge of asphalt into the Canal, pursuant to Section 25c-1(d) of the Act, 415 ILCS 5/25c-1(d) (2024), and Section 10(d) of the Oil Spill Responders Liability Act, 740 ILCS 113/10(d) (2024);

2. Ordering Defendant to pay to Plaintiff all damages and removal costs incurred as a result of the discharge of asphalt into the Canal; and

3. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* KWAME RAOUL, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: /s/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Assistant Attorney General  
Environmental Bureau

Of Counsel  
TAYLOR DESGROSSEILLIERS  
ROGER JOHNSON  
Assistant Attorneys General  
Environmental Bureau  
115 S. LaSalle St., 23rd Floor  
Chicago, IL 60603  
Phone: (773) 505-5288

Primary emails:

[T.Degrosseilliers@ilag.gov](mailto:T.Degrosseilliers@ilag.gov)

[Roger.Johnson@ilag.gov](mailto:Roger.Johnson@ilag.gov)

Secondary email: [maria.cacaccio@ilag.gov](mailto:maria.cacaccio@ilag.gov)

Attorney No. 99000