

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
ex rel. LISA MADIGAN, Attorney )  
General of the State of Illinois, )  
 )  
Complainant, )  
 )  
v. )  
 )  
ROYAL TRUCKING COMPANY, a )  
Mississippi corporation, )  
 )  
Respondent. )

RECEIVED  
CLERK'S OFFICE

OCT 17 2003

PCB 04-67  
STATE OF ILLINOIS  
Pollution Control Board  
(Enforcement-Water)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on October 17, 2003, we filed with the Illinois Pollution Control Board a Complaint, a true and correct copy of which is attached and hereby served upon you.

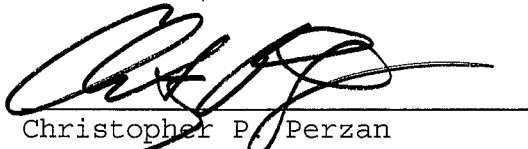
Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

Financing to correct the violations alleged may be available through the Illinois Environmental Facilities Financing Act 20 ILCS 3515/1, et seq.

Respectfully submitted,

LISA MADIGAN  
Attorney General  
State of Illinois

BY:



Christopher P. Perzan  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20th Floor  
Chicago, Illinois 60601  
(312) 814-3532

SERVICE LIST

Royal Trucking Co.  
c/o Mr. Billy Milican, Registered Agent  
1323 N Eshman Ave  
West Point MS 39773-8700

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent ROYAL TRUCKING COMPANY as follows:

COUNT I

WATER POLLUTION

1. This Complaint is brought by the Attorney General on her own motion and upon the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

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 (2002), and charged, *inter alia*, with the duty of enforcing the Act.

3. ROYAL TRUCKING COMPANY ("Royal") is a Mississippi corporation with its headquarters located at 1323 N. Eshman Ave.

West Point, Clay County, Mississippi.

4. On December 30, Royal was transporting approximately 3,630 gallons of sodium bisulfite on Interstate 94, Cook County, Illinois.

5. The sodium bisulfite on the truck was contained in eleven plastic totes, each holding 330 gallons of sodium bisulfite.

6. The totes of sodium bisulfite originated from PVS Chemical Solutions, Inc. ("PVS"), which is a Michigan company authorized to do business in Illinois. The totes were picked up from PVS's Chicago facility by Royal, acting as carrier for one of PVS's customers, Hall Chemical Company, for delivery to Farmington, Michigan.

7. Prior to departure, a PVS employee loaded the eleven totes in single file down the truck's interior. After the totes were loaded, the Royal driver inspected the totes and secured them with a nylon strap across the rear tote.

8. As the truck was being driven by the Royal driver onto Interstate 94, the truck overturned spilling the contents of the sodium bisulfite in the roadway.

9. The sodium bisulfite ran off the roadway, across the land to an area of swales containing pooled water in the cloverleaf.

10. Interstate 94 was shut down in the southbound direction for approximately four hours as a result of the spill.

11. Sodium bisulfite is an irritant to the eyes, skin, and

respiratory system in humans and may irritate or burn the gastrointestinal tract when ingested. Direct contact with liquid, mist, or vapor can cause irritation or mild burns to all human tissue.

12. Sodium bisulfite creates an oxygen demand when released into water, thus posing a threat to fish and other aquatic life through the depletion of oxygen levels.

13. Section 12(a) of the Act, 415 ILCS 5/12(a) (2002), provides as follows:

No person shall:

- a. Cause or threaten or allow the discharge of any contaminant 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 this Act.

14. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), defines "contaminant" as follows:

"CONTAMINANT" is any solid, liquid or gaseous matter, any odor or any form of energy, from whatever source.

15. The sodium bisulfite released is a contaminant as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

16. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), 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.

17. Respondent is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

18. Section 3.545 of the Act, 415 ILCS 5/3.545 (2002), defines "water pollution" as follows:

"WATER POLLUTION" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any water 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.

19. Section 3.550 of the Act, 415 ILCS 5/3.550 (2002), defines "waters" as follows:

"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 this State.

20. The waters in the swales of Interstate 94's cloverleaf are waters of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2002).

21. The release of the sodium bisulfite into the water pooled in the swales caused or threatened harm to aquatic life, rendered those waters potentially harmful to human health, and created a public nuisance.

22. The release of the sodium bisulfate also threatened to

enter Lake Calumet, creating a potential hazard to fish and other wildlife.

23. The facts as alleged in this Count constitute a violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent, on this Count I.

1. Finding that Respondent has violated Section 12(a) of the Act;

2. Ordering Respondent to cease and desist from any future violations of Section 12(a) of the Act;

3. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Respondent for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;

4. Assessing all costs against Respondent including expert witness, consultant, and attorney fees; and

5. Granting such other relief as the Board deems appropriate and just.

## COUNT II

### CREATION OF A WATER POLLUTION HAZARD

1-18. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and 14 through 19 of Count I as paragraphs 1 through 18 of this Count II.

19. Section 12(d) of the Act, 415 ILCS 5/12(d) (2002),

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;

20. The spilled sodium bisulfite remained on the land from December 30, 2002 until at least January 8, 2003.

21. During the time it remained on the land, the sodium bisulfite threatened and created a hazard of further water pollution and because water coming into contact with it would have been impacted or contaminated by the sodium bisulfite, it also constituted a public nuisance.

22. The facts as alleged in this Count constitute a violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2002)

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent, on this Count II:

1. Finding that Respondent has violated Section 12(d) of the Act;
2. Ordering Respondent to cease and desist from any future violations of Section 12(d) of the Act;
3. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Respondent for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;
4. Assessing all costs against Respondent including expert



witness, consultant, and attorney fees; and

5. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
ex rel. LISA MADIGAN,  
Attorney General of the  
State of Illinois,

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

By:

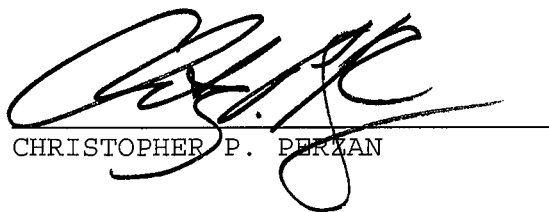
  
ROSEMARIE CASAN, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:

CHRISTOPHER P. PERZAN  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St. - 20th Fl.  
Chicago, IL 60601  
(312) 814-3532

CERTIFICATE OF SERVICE

I, CHRISTOPHER P. PERZAN, an Assistant Attorney General, certify that on the 17th day of October, 2003, I caused to be served by Registered Certified Mail, Return Receipt Requested, the foregoing Complaint to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



CHRISTOPHER P. PERZAN