



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

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CLERK'S OFFICE

OCT 10 2008

STATE OF ILLINOIS  
Pollution Control Board

**Lisa Madigan**  
ATTORNEY GENERAL

October 9, 2008

PCB09-23

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. James R. Cantrell***

Dear Clerk:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen Jansie", written over a horizontal line.

Stephen Jansie  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

SJ/pk  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
JAMES R. CANTRELL, )  
 )  
Respondent. )

PCB No. 09-27  
(Enforcement - Water)

NOTICE OF FILING

RECEIVED  
CLERK'S OFFICE  
OCT 10 2008  
STATE OF ILLINOIS  
Pollution Control Board

To: James R. Cantrell  
1833 County Road 1980 E  
Crossville, IL 62827

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith 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 this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2006), to correct the pollution alleged in the Complaint filed in this case.

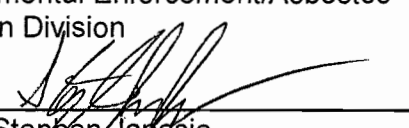
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY: \_\_\_\_\_

  
Stephen Janasie  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 9, 2008


## CERTIFICATE OF SERVICE

I hereby certify that I did on October 9, 2008, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: James R. Cantrell  
1833 County Road 1980 E  
Crossville, IL 62827

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601



Stephen Janasie  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
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vs. )  
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JAMES R. CANTRELL, )  
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STATE OF ILLINOIS  
Pollution Control Board

PCB No. 09-23  
(Enforcement - Water)

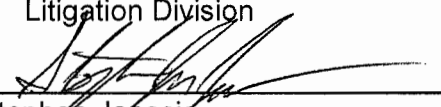
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, STEPHEN JANASIE, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

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

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

BY:   
Stephen Janasie  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 9, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 10 2008

LISA MADIGAN, Attorney  
STATE OF ILLINOIS  
Pollution Control Board

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney  
General of the State of Illinois, complains of Respondent, JAMES R. CANTRELL, as follows:

COUNT I  
WATER POLLUTION HAZARD

1. This Complaint is brought by the Attorney General on her own motion and at 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 (2006).

2. The Illinois EPA is an agency of the State of Illinois created by Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2006), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, the Defendant was authorized to operate oil production and Class II UIC (injection) wells in accordance with permits issued by the Illinois Department of Natural Resources ("IDNR") pursuant to Subsection 6(2) of the Illinois Oil and Gas Act, 225 ILCS 725/6(2) (2006).

4. The Defendant owned and operated a tank battery on the Herman Hon lease near Crossville in White County, Illinois. The tank battery was used to store and separate crude oil and produced fluids from production wells on or near the lease. The tank battery was surrounded by a dike which served as secondary containment to the tanks.

5. Section 12 of the Act, 415 ILCS 5/12 (2006), provides in pertinent part that:

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 this Act;

\* \* \*

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

\* \* \*

6. Section 3.165 of the Act, 415 ILCS 5/3.165 (2006) provides:

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

7. Section 3.395 of the Act, 415 ILCS 5/3.395 (2006) provides in pertinent part:

“Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. . . .

8. Section 3.545 of the Act, 415 ILCS 5/3.545 (2006) provides:

“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.

9. Section 3.550 of the Act, 415 ILCS 3.550 (2006) provides:

“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.

10. On or about November 14, 2005, a siphon line at the Respondent’s tank battery failed during a rainstorm, releasing the contents of the separator which were estimated at 20 barrels of crude oil and 20 barrels of salt water. The containment dike subsequently failed, releasing the produced fluids and the impounded rain water into a ditch which ultimately discharged into an unnamed creek.

11. The creek is a “waters” of the State as that term is defined in the Act, 415 ILCS 5/3.550 (2006).

12. The crude oil and salt water are produced fluids generated by Respondent’s oil production activities. The former is unrefined liquid petroleum and the latter contains a large concentration of chlorides and varying amounts of petroleum constituents, which are “contaminants” as that term is defined in the Act, 415 ILCS 5/3.165 (2006).

13. The crude oil and salt water were deposited upon the land in such place and manner as to create a water pollution hazard in that it eventually flowed approximately 300 yards across the ground before entering the unnamed creek. Approximately one mile of this creek was affected.

14. The release was discovered and reported to IDNR at approximately 8:00 AM on November 14, 2005. The IDNR visited the site of the release and its aftermath on November 22, 2005. At the behest of IDNR, the Respondent reported the release to the Illinois Emergency



Management Agency (“IEMA”) on November 23, 2005. IDNR notified the Illinois EPA of the release and provided the information garnered during the November 22, 2005, site visit.

15. The Illinois EPA investigated the release and its consequent polluttional discharges on December 1, 2005. The banks of the unnamed creek were stained for approximately one mile from the point of discharge from the ditch to the confluence of the creek with Elliott Creek. The Illinois EPA reported that booms and a tank truck were used to recover the crude oil in response to the release, but no siphon dam was constructed in the creek; as to the latter, the Illinois EPA noted that, with the amount of rainfall (estimated at 5 to 7 inches), it was unlikely that a siphon dam would have held during the storm.

16. Although the release was partly caused by the storm, the Respondent owned the source of pollution (i.e. the tank battery) and had the capability of controlling or preventing the polluttional discharges. The siphon line should have been better secured against wind and the containment dike should have been better maintained against overfilling and failure. Severe storms with large amounts of rainfall are events that are foreseeable and reasonable precautions are necessary to prevent polluttional discharges.

17. By depositing contaminants upon the land in such place and manner as to create a water pollution hazard, the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2006).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, JAMES R. CANTRELL:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter; and
- E. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**WATER POLLUTION**

1-16. Complainant realleges and incorporates herein by reference paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count II.

17. The discharge of crude oil and salt water from the Respondent's tank battery altered the creek's physical and chemical properties so as to likely 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.

18. By causing or allowing the discharge of crude oil and salt water into the "waters" of the State, the Respondent has caused water pollution in the State of Illinois, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2006).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, JAMES R. CANTRELL:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter; and
- E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

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

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

BY: 

THOMAS DAVIS, Chief  
Assistant Attorney General  
Environmental Bureau

Of Counsel:

STEPHEN JANASIE  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 9, 2008