

**BEFORE THE POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 25-
	)	(Enforcement – Water)
SUGAR CAMP ENERGY, LLC, a Delaware	)	
limited liability company,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: See attached service list.

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

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.

NOTIFICATION – YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1 *et seq.*] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

BY: /s/ Kevin D. Bonin  
Kevin D. Bonin, #6294877  
Assistant Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62701  
(217) 782-5055  
kevin.bonin@ilag.gov

Service List

For the Respondent:

Sugar Camp Energy, LLC  
c/o Illinois Corporation Service Company  
801 Adlai Stevenson Drive  
Springfield, Illinois 62703-4261  
(via Certified Mail)

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Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, SUGAR CAMP ENERGY, LLC, a Delaware limited liability company, as follows:

**COUNT I**  
**FAILURE TO OBTAIN A CONSTRUCTION PERMIT OR OPERATING PERMIT FOR CONSTRUCTION AND OPERATION OF WATER EVAPORATORS**

1. This Count is brought on behalf of the People of the State of Illinois, by 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”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2. Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022), and is charged, *inter alia*, with the duty of enforcing the Act. Illinois EPA is further charged with the duty to abate violations of the National Pollutant Discharge Elimination System (“NPDES”) Permit Program under the Federal Clean Water Act (“CWA”), 33 U.S.C. §1342(b)(7).

3. Respondent, SUGAR CAMP ENERGY, LLC, is a Delaware limited liability company in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State.

4. At all times relevant to the Complaint, Respondent owned and operated the Sugar Camp Mine, a coal mining operation located at 11351 Thompsonville Road, Macedonia, Franklin County, Illinois (“Facility”).

5. The Facility consists of two separate longwall mines: M-Class and Viking.

6. In order to prevent underground flooding of the longwall mines from groundwater intrusion and process wastewater, Respondent operates a network of pumps and pipelines that remove waters from the M-Class and Viking longwall mines.

7. Respondent removes underground waters from the M-Class and Viking longwall mines by pumping such waters to two slurry impoundments at the Facility.

8. Respondent pumps underground waters from the Viking longwall mine to a slurry impoundment known as Refuse Disposal Area No. 2 (“RDA-2”).

9. On August 16, 2022, Illinois EPA conducted a reconnaissance investigation of the Facility.

10. On August 16, 2022, Illinois EPA observed five water evaporators installed and operating along the western berm of RDA-2. The water evaporators were positioned at 45-degree angles and discharging surface impoundment water as mist across the widest area of RDA-2 toward the eastern berm. Respondent’s representatives informed Illinois EPA that each cannon discharges 600 gallons per minute of mist, which reaches an elevation of approximately 75 feet above the surface impoundment waters.

11. Respondent installed and operated the water evaporators for the purpose of accelerating the rate of evaporation of surface impoundment waters in RDA-2.

12. On September 29, 2022, Illinois EPA received an application from Respondent for an after-the-fact State operating permit for the operation of the water evaporators in RDA-2.

13. Prior to September 29, 2022, Illinois EPA did not receive any application from Respondent for a permit to construct or operate water evaporators in RDA-2.

14. On March 17, 2023, Illinois EPA issued Permit No. 2022-MW-6260 to Respondent for the operation of five water evaporators at RDA-2, subject to the terms and conditions of the permit.

15. Prior to March 17, 2023, Respondent was not issued any permit to construct or operate water evaporators in RDA-2.

16. Section 12(b) of the Act, 415 ILCS 5/12(b) (2022), provides as follows:

No person shall:

\* \* \*

(b) Construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

17. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides as follows:

“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.

18. Respondent, a limited liability company, is a “person,” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

19. Section 3.545 of the Act, 415 ILCS 5/3.545 (2022), provides as follows:

“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.

20. The water evaporators constructed and operated by Respondent are designed to prevent, and/or are capable of causing or contributing to, “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2022).

21. Section 309.202(a) of the Board’s regulations, 35 Ill. Adm. Code 309.202(a), provides as follows:

Except for treatment works or wastewater sources that have or will have discharges for which NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

- a) A person must not cause or allow the construction of any new treatment works, sewer or wastewater source or cause or allow the modification of any existing treatment works, sewer, or wastewater source without a construction permit issued by the Agency, except as provided in subsections (c) and (d).

22. Section 309.203(a) of the Board’s regulations, 35 Ill. Adm. Code 309.203(a), provides as follows:

- a) A person must not cause or allow the use or operation of any treatment works, sewer, pretreatment works, or wastewater source for which a construction permit is required under Section 309.202 without an operating permit issued by the Agency, except as may be authorized by the construction permit.

23. Section 301.415 of the Board’s regulations, 35 Ill. Adm. Code 301.415, provides as follows:

“Treatment Works” means individually or collectively those constructions or devices (except sewers, and except constructions or devices used for the pretreatment of wastewater prior to its introduction into publicly owned or regulated treatment works) used for collecting, pumping, treating, or

disposing of wastewaters or for the recovery of byproducts from such wastewater.

24. The water evaporators constructed and operated by Respondent are “treatment works,” as that term is defined in Section 301.415 of the Board’s regulations, 35 Ill. Adm. Code 301.415.

25. Pursuant to Section 309.202(a) of the Board’s regulations, 35 Ill. Adm. Code 309.202(a), Respondent was required to obtain a construction permit from Illinois EPA prior to constructing water evaporators in RDA-2.

26. On August 16, 2022, and at other dates and times better known to Respondent, Respondent caused or allowed the construction of new treatment works without a construction permit issued by Illinois EPA, and thereby violated Section 309.202(a) of the Board’s regulations, 35 Ill. Adm. Code 309.202(a).

27. Pursuant to Section 309.203(a) of the Board’s regulations, 35 Ill. Adm. Code 309.203(a), Respondent was required to obtain an operating permit from Illinois EPA prior to operating water evaporators in RDA-2.

28. On August 16, 2022, and at other dates and times better known to Respondent, Respondent caused or allowed the use or operation of treatment works without an operating permit issued by Illinois EPA, and thereby violated Section 309.203(a) of the Board’s regulations, 35 Ill. Adm. Code 309.203(a).

29. On August 16, 2022, and at other dates and times better known to Respondent, Respondent constructed, installed, or operated equipment capable of causing or contributing to water pollution without a permit granted by Illinois EPA, and thereby violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent, SUGAR CAMP ENERGY, LLC, on Count I:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2022), and Sections 309.202(a) and 309.203(a) of the Board's regulations, 35 Ill. Adm. Code 309.202(a) and 309.203(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 12(b) of the Act, 415 ILCS 5/12(b) (2022), and Sections 309.202(a) and 309.203(a) of the Board's regulations, 35 Ill. Adm. Code 309.202(a) and 309.203(a);

D. Assessing against the Respondent a civil penalty of \$50,000.00 for each violation of Section 12(b) of the Act, 415 ILCS 5/12(b) (2022), and Sections 309.202(a) and 309.203(a) of the Board's regulations, 35 Ill. Adm. Code 309.202(a) and 309.203(a), and an additional civil penalty of \$10,000.00 for each day each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Awarding to the Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and



F. Ordering such other and further relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

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

BY: /s/ Rachel R. Medina  
RACHEL R. MEDINA, Chief  
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Assistant Attorney General

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**CERTIFICATE OF SERVICE**

I, Cathy Formigoni, certify that on the 25th day of February, 2025, I caused to be served by certified mail the foregoing **Notice of Filing** and **Complaint** to the parties listed below:

For the Respondent

Sugar Camp Energy, LLC  
c/o Illinois Corporation Service Company  
801 Adlai Stevenson Drive  
Springfield, Illinois 62703-4261

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Cathy Formigoni  
CATHY FORMIGONI  
Paralegal  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62701  
cathy.formigoni@ilag.gov