

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 13-72
	)	(Water - Enforcement)
PETCO PETROLEUM CORPORATION,	)	
an Indiana corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: *See Service List*

PLEASE TAKE NOTICE that on the 31st day of August, 2022, the attached Notice of Filing and Complainant's Motion for Leave to File First Amended Complaint was filed with the Illinois Pollution Control Board, a true and correct copy of which is attached hereto and is hereby served upon you.

Respectfully submitted,

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

By: /s/Natalie Long  
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ARDC No. 6309569

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PETCO PETROLEUM CORPORATION,	)	
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Respondent.	)	

**COMPLAINANT’S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

NOW COMES COMPLAINANT, People of the State of Illinois, by KWAME RAOUL, Attorney General of the State of Illinois, pursuant to Section 103.206(d) of the Illinois Pollution Control Board’s (“Board”) procedural rules, 35 Ill. Adm. Code 103.206(d), and respectfully moves the Board for leave to file its First Amended Complaint, a true and correct copy of which is attached hereto as Exhibit A. In support of this motion, Complainant states as follows:

1. Section 103.206(d) of the Board’s procedural rules, 35 Ill. Adm. Code 103.206(d), provides as follows:

d) If a party wishes to file a counter-complaint, cross-complaint, or third-party complaint, the party must move the Board for permission to file the pleading. If a party wishes to file an amendment to a complaint, counter-complaint, cross-complaint, or third-party complaint that sets forth a new or modified claim against another person, the party who wishes to file the pleading must move the Board for permission to file the pleading.

2. On June 21, 2013, Complainant filed its Complaint (“Complaint”) against Respondent, Petco Petroleum Corporation, an Indiana corporation (“Respondent”).

3. The Complaint alleges violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.*, by Respondent due to releases from oil production and injection

wells, and related facilities, operated by Respondent, during the time period of February 2010 to June 2013.

4. Subsequent to the filing of the Complaint, releases at oil production and injection wells and related facilities operated by Respondent have remained ongoing.

5. The proposed First Amended Complaint sets forth new claims against Respondent based on releases occurring through on or about September 2, 2014. Complainant has two enforcement actions pending before the Fayette County Circuit Court, and one action before the Jefferson County Circuit Court, alleging subsequent violations.

6. The proposed First Amended Complaint additionally includes minor modifications to some of the Counts originally pleaded in the Complaint. Subsequent to the filing of the Complaint, Complainant identified additional facts, and updated its allegations based on additional information provided by Illinois EPA and the Illinois Department of Natural Resources (“Illinois DNR”).

7. Respondent will be neither surprised nor prejudiced by the claims in the First Amended Complaint. As reflected in the docket for this matter, Complainant and Respondent conducted lengthy but unsuccessful settlement negotiations concerning Respondent’s liability for all of the releases set forth in the First Amended Complaint.

8. Discovery is not at an advanced stage in the underlying matter.

9. The new claims are similar in nature, and arise from wells and well-related facilities in the Loudon field operated by Respondent, such that addressing the violations within this case, rather than opening a new case, will more effectively use the parties’ and the Board’s resources.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board enter an order granting this motion, allowing the filing of the First Amended Complaint, and granting such other relief as the Board deems proper.

Respectfully submitted,

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

By: /s/Natalie Long  
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**Exhibit A**

**First Amended Complaint**

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	)	(Water - Enforcement)
PETCO PETROLEUM CORPORATION,	)	
an Indiana corporation,	)	
	)	
Respondent.	)	

**FIRST AMENDED COMPLAINT**

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, complain of Respondent, PETCO PETROLEUM CORPORATION, as follows:

1. This action is brought on behalf of the People of the State of Illinois, by Kwame Raoul, the Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“IEPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

2. IEPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, Petco Petroleum Corporation (“Petco”) is, and was at all times relevant to this Complaint, an Indiana corporation in good standing and authorized to transact business in the State of Illinois.

4. Petco engages in operating mature oil and gas fields by operating wells, facilities, and proprietary pipelines in several counties within Illinois, among other states. Petco is authorized to operate approximately 971 oil production wells and 763 Class II UIC (injection) wells in accordance with permits issued by the Department of Natural Resources pursuant to Subsection 6(2) of the Illinois Oil and Gas Act, 225 ILCS 725/6(2) (2020).

5. Section 12 of the Act, 415 ILCS 5/12 (2020), 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 this Act;

\* \* \*

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

\* \* \*

6. In its operations, Petco produces fluids, including crude oil, salt water, and brine, all of which contain varying amounts of petroleum constituents, and all of which are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), as follows:

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

7. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), contains 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.

8. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), contains 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 this State.

9. Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, prohibits offensive conditions in waters of the State, as follows:

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

10. Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, prohibits the violation of water quality standards, as follows:

[N]o effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard. . . .

11. In order to protect waters of the State, Section 302.208(g) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), sets the General Water Quality Standard for chloride at 500 milligrams per liter (“mg/l”) (or 500 parts per million” (“ppm”)).

12. Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, prohibits offensive discharges, as follows:

[N]o effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.



13. Petco has previously been adjudicated in violation of Section 12 of the Act in Jefferson County Circuit Court, 99-CH-55 (imposing \$42,500 in penalties, awarding \$14,000 in attorney's fees and ordering Petco to submit a preventive maintenance plan), and for subsequent violations through a settlement approved by the Board, PCB No. 05-66 (February 2, 2006) (imposing \$135,000 in penalties and ordering Petco to cease and desist from violations of the Act). These presently alleged violations constitute repeated violations pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), and Complainant is authorized to seek attorney's fees and costs.

14. Petco has also previously been adjudicated in violation of the Illinois Oil and Gas Act, 225 ILCS 725/1 *et seq.*, and the Illinois Oil and Gas Regulations, 62 Ill. Adm. Code 240.10 *et seq.*, in Sangamon County Circuit Court, 00-CH-458, and ordered to pay \$168,000 in penalties to the Illinois Department of Natural Resources ("IDNR"). As injunctive relief, Petco was also ordered to implement a "written oil and gas facilities operation maintenance plan," in which Petco was required to commit to, amongst other items, regular inspections and "replacement of equipment and steel lines impacted by wear and tear and corrosion which may likely contribute to spill events." *See People ex rel. Madigan v. Petco Petroleum*, 363 Ill. App. 3d 613 (4th Dist. 2006); Order after Remand, April 28, 2006. Finally, in a Consent Order entered November 19, 2002 in Fayette County Circuit Court, 01-MR-36, Petco agreed to pay \$22,500 in penalties to resolve violations alleged by the Illinois Emergency Management Agency ("IEMA") for Petco's failure to report several releases between July 16, 1999 and September 26, 2000.

15. Pursuant to the 2006 Order after Remand, Petco submitted a Facilities Operation Maintenance Plan to IDNR on October 10, 2006 ("O&M Plan"). Since that time, in addition to the polluttional spills alleged herein as violations of the Act, Petco has reported to IDNR at least

230 produced fluid spills from its facilities prior to January 2010 and at least 488 that occurred during the time period covered in this Complaint. The People believe that Petco's continued failure to cease and desist such unauthorized releases evidences both the absence of Petco's due diligence and the inadequacy of Petco's O&M Plan in preventing such discharges and protecting human health and the environment. Through the previous injunctive orders entered in the Jefferson County and Sangamon County litigation, the People had insisted that the O&M Plan be prepared by an independent and objective consultant to include the following components: 1) inspection of all facilities within four (4) years; 2) replacement of equipment and lines impacted by wear and tear and corrosion; 3) record-keeping of spills and leaks to anticipate where future failures may take place; 4) preparation of a schedule of weekly inspections of all active facilities; 5) documentation of alarm systems; and 6) employee training at least every six (6) months. Petco failed to properly develop and implement its O&M Plan to effectively and proactively prevent the spills alleged herein and the consequential pollutional impacts.

16. The seventy-three counts herein alleged all occurred between 2010 and 2014 and involve the discharge of produced fluids that were reported to the Illinois Emergency Management Agency ("IEMA"), which assigns each spill with an identification number. All discharges occurred in or near Fayette County, Illinois, and near or into a waterway, thereby creating a water pollution hazard and/or causing water pollution. Estimated ranges of contaminants released range from 2 to 1000 barrels per release.

17. Although not necessary to prove the alleged violations, Complainant is including information regarding the cause of the releases and represents, on information and belief, that any release attributable to human error, corrosion, old equipment or other circumstances that could have been prevented, should be evaluated in the context of the operation and preventive

maintenance plan(s) intended to prevent repeated releases ordered by prior courts. While each release has its own cause and location, the releases are all due in large part to Petco's failure to maintain and upgrade its older equipment in mature oil and gas fields so as to prevent the release of produced fluids onto the ground and into waterways and, to a varying degree, should have been prevented or minimized by Petco's implementation of a sufficient operation and preventive maintenance plan.

**COUNT I**  
**MARY RHODES #1 PRODUCTION WELL**  
**IEMA Incident #2010-0157**

1-17. Complainant incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count I.

18. On or about February 22, 2010, Petco discharged approximately two (2) barrels of crude oil and an unknown amount of salt water from a corroded two-inch steel flow line located approximately three feet underground at the Mary Rhodes #1 production well in or near St. Elmo, Illinois. The released fluids flowed through a natural spring-fed creek and drained into a low-lying wetland of cane grass, located on the residential property of Mr. Bruce Dilley.

19. On February 22, 2010, IEPA conducted an inspection of the site. On that date, the area was wet and flooded with rain water. The cane grass field in the wetland was visibly impacted by saltwater and approximately one-half barrel of crude oil. IEPA tested the creek one-half mile downstream from the spill with a result of 3455 mg/l of chloride.

20. Petco tested the creek from February 23, 2010 through February 25, 2010, with chloride concentrations exceeding 500 mg/l as follows:

<b>Date</b>	<b>2/23/10</b>	<b>2/24/10</b>	<b>2/25/10</b>
<b>Chloride Concentration (mg/l)</b>	1300	1800	1200

21. On February 25, 2010, IEPA inspected the site. On that date, the absorbent pads used on the spill were frozen to the ice and could not be replaced. IEPA tested the creek with a result of 3455 mg/l of chloride.

22. On February 25 and 26, 2010, due to difficulty remediating the released fluids in freezing temperatures, Petco conducted controlled burns of the cane grass field.

23. On February 26, 2010, IEPA tested the creek with a result of 3134 mg/l of chloride.

24. Petco tested the creek from February 26, 2010 through March 10, 2010, with chloride concentrations exceeding 500 mg/l as follows:

<b>Date</b>	<b>2/26/10</b>	<b>3/1/10</b>	<b>3/3/10</b>	<b>3/4/10</b>	<b>3/10/10</b>
<b>Chloride Concentration (mg/l)</b>	3246	3556	3556	2900	2507

25. On March 13, 2010, following a rain event, Petco tested the creek with a result of 984 mg/l of chloride.

26. On March 24, 2010, Petco tested the creek with a result of 1600 mg/l of chloride.

27. On April 6, 2010, Petco tested the creek with a result of 646 mg/l of chloride.

28. On April 14, 2010, Petco collected three surface water samples and had them analyzed. The results indicated chloride levels at 160 mg/l, 610 mg/l and 1040 mg/l.

29. On April 27, 2010, Petco tested the creek with a result of 298 mg/l of chloride.

30. The creek and wetland are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

31. By discharging crude oil so as to visibly impair the creek and wetland, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

32. By discharging salt water into waters of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

33. By discharging visible oil into the creek and wetland, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

34. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

35. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the creek and wetland, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT II**  
**EMERY HOPPER #1 PC PUMP**  
**IEMA Incident #2010-0179**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count II.

18. On or about February 26, 2010, Petco discharged approximately four to five barrels of crude oil from the Emery Hopper #1 PC Pump production well in or near St. Elmo, Illinois, onto the land, which then traveled into a nearby unnamed creek. The oil ran over from the casing when the PC pump was shut down due to increased pressure in the well after Petco personnel left a two-inch valve open on the pump.

19. On February 26, 2010, IEPA conducted an inspection of the site. The discharged oil had traveled approximately 100 feet downstream in the creek, contaminating a total area of approximately 2900 square feet.

20. Petco constructed a dam and employed a tank truck, booms and pads to recover crude oil in the creek. Petco excavated and disposed of six inches of soil and spread lime to soak up the remaining crude oil on the soil.

21. The creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging crude oil so as to visibly impair the creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By discharging visible oil into the creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of crude oil to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing crude oil to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT III**  
**CHAS. McCOLLUM TANK BATTERY**  
**IEEMA Incident #2010-0223**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count III.

18. On or about March 11, 2010, Petco discharged crude oil and approximately five (5) to twenty (20) barrels of salt water when a three-inch PVC riser pipe to an oil water separator broke off from the Charles McCollum tank battery in or near St. Elmo, Illinois. The crude oil stayed in the secondary containment berm, but the salt water seeped through the dike and migrated downhill, damaging the residential property of Mr. Evan Schaefer, and into an unnamed creek that serves as a tributary to Hog Creek.

19. On March 11, 2010, IEPA conducted an inspection of the site. On that date, the spill had impacted approximately 100 feet of soil between the tank battery and the creek and

approximately 200 feet of the unnamed creek, for a total contaminated area of approximately 9300 square feet. Petco had constructed two earthen dams in the creek.

20. On March 11, 2010, IEPA tested the creek, with results of 696 mg/l of chloride at the first earthen dam and 3825 mg/l of chloride at the second earthen dam.

21. On March 11, 2010, Petco tested the creek with a result of 4311 mg/l of chloride.

22. On March 16, 2010, Petco tested the creek with a result of 490 mg/l of chloride.

23. The creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging salt water into a water of the State so that such water exceeds 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).



**COUNT IV**  
**BUZZARD SALT WATER DISPOSAL LINE**  
**IEMA Incident # 2010-0246**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count IV.

18. On or about March 14, 2010, Petco discharged approximately 50 to 100 barrels of salt water directly to Hog Creek when a creek bed located on the property of the Buzzard family, approximately 200 feet upstream of county road 2100E in or near St. Elmo, Illinois, washed out and breached a four-inch salt water disposal line.

19. On or about March 17, 2010, approximately three days after the salt water line breached, Petco constructed one earthen dam in Hog Creek approximately one and one-half miles downstream from the original spill location. The March 14, 2010 spill contaminated Hog Creek for an area of approximately 92,400 square feet.

20. On March 18, 2010, IEPA tested Hog Creek at four locations downstream of Petco's earthen dam, three of which revealed chloride concentrations that indicated the salt water had traveled beyond the one and one-half mile where Petco built the first earthen dam, as follows:

<b>Location</b>	<b>Chloride Concentration</b>
150-200 ft downstream of earthen dam, upstream of County Road 2100E	1053-1141 mg/l
150 ft downstream of County Road 2100E	531-583 mg/l
More than 150 ft downstream of County Road 2100E and upstream of the bridge at County Road 2100E	758 mg/l
300 ft downstream of earthen dam, downstream of bridge at County Road 2100E	276-313 mg/l

21. On March 18, 2010, Petco constructed an additional earthen dam in Hog Creek approximately 300 feet further downstream than the first earthen dam.

22. On March 22, 2010, IEPA inspected the site. On that date, the second earthen dam had been washed away by a rain event the day prior. IEPA tested the creek water in five separate locations, all of which indicated the March 21, 2010 rain event had diluted the chloride to concentrations below the water quality standard.

23. Hog Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT V**  
**GEORGE BAUER SALT WATER DISPOSAL LINE**  
**IEMA Incident #2010-0289**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count V.

18. On or about March 29, 2010, Petco discharged approximately 100-150 barrels of salt water when a buried six-inch pressurized fiberglass flowline operating at approximately 1000 pounds per square inch (“psi”), failed at a “T” connection on the George Bauer lease in or near St.

Elmo, Illinois. The salt water impacted an area approximately two feet wide and stretching nearly one mile in length; it flowed northward through a culvert, crossed County Road 2675N, entered a ravine and continued to flow east into a drainage pathway serving as a tributary to Little Moccasin Creek in St. Elmo, Illinois.

19. On March 29, 2010, IEPA inspected the site. At that time, surface water was entering the tributary and comingling with the discharged salt water. Petco had constructed one earthen dam approximately one-third mile downstream of the release.

20. On March 30, 2010, IEPA returned to the site and tested the water in the tributary at three separate locations upstream of Petco's earthen dam, with chloride concentrations exceeding 500 mg/l as follows:

<b>Location</b>	<b>Chloride Concentration (mg/l)</b>
250 ft downstream of County Road 2675N	895
1000 ft downstream of release	1141
75 ft upstream of earthen dam	895-971

21. On April 1, 2010, IEPA inspected the site. Petco was excavating salt contaminated soil from the release site and preparing it for disposal. IEPA tested the water in the tributary upstream of Petco's earthen dam, with results for chloride concentrations as follows:

<b>Location</b>	<b>Chloride Concentration (mg/l)</b>
250 ft downstream of County Road 2675N	515-531
750 downstream of release	477-583

22. The tributary and Little Moccasin Creek are "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By discharging salt water into waters of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and

thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the tributary and Little Moccasin Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT VI**  
**JOHN TUCKER SALT WATER DISPOSAL LINE**  
**IEMA Incident #2010-0311**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count VI.

18. On or about April 1, 2010, Petco discharged approximately 300 to 500 barrels of salt water into a dry unnamed tributary to Wolf Creek when a three-inch buried pressurized fiberglass salt water disposal line connecting the John Tucker station to the Rosie Seelock injection system in or near St. Elmo, Illinois failed. The line was operating at approximately 1000 psi when it failed and the discharged salt water traveled approximately one-third of a mile in the tributary.

19. On April 1, 2010, Petco constructed one earthen dam approximately one-third of a mile downstream of the release.

20. On April 5, 2010, IEPA inspected the site. On that date, the earthen dam had been breached. IEPA tested the tributary just past the washed out dam location, with results ranging from 467 to 515 mg/l of chloride.

21. On April 6, 2010, IEPA tested the water in the Wolf Creek tributary, with results for chloride concentrations as follows:

<b>Location</b>	<b>Chloride Concentration (mg/l)</b>
Ponded water at pipeline repair site	179-602
¼ mile downstream of release, immediately upstream of dam, within cattail and cane grasses	482-531

22. The unnamed tributary and Wolf Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the tributary and Wolf Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT VII**  
**ARNOLD UNIT TANK BATTERY**  
**IEMA Incident #2010-0322**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count VII.

18. On or about April 5, 2010, Petco discharged approximately 500 barrels of salt water when a two-foot vertical PVC salt water vent pipe at the Arnold Unit tank battery broke at a brass valve near ground level. The head pressure caused all the salt water contained within the tanks to erode the secondary containment berm and discharge, draining from the site. The discharged salt water traveled downhill and entered an unnamed tributary to the South Fork Kaskaskia River northwest of St. Elmo, Illinois, and traveled approximately one-third of a mile within the tributary.

19. On April 5, 2010, IEPA inspected the site. On that date, Petco had constructed one earthen dam. IEPA tested the tributary approximately 250 to 300 feet downstream of Petco’s dam with results ranging from 602 to 651 mg/l of chloride.

20. On April 6, 2010, IEPA inspected the site. On that date, salt staining of the ground near the tank battery was visible. IEPA tested the tributary in two separate locations downstream of the dam with results below 500 mg/l of chloride.

21. The South Fork Kaskaskia River and its tributary are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging salt water into waters of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the tributary and the South Fork Kaskaskia River, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT VIII**  
**QUADE SUMP TRANSITE PIPELINE**  
**IEMA Incident #2010-0363**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count VIII.

18. On or before April 12, 2010, Petco discharged crude oil and at least 200 barrels of salt water into a mostly dry unnamed intermittent tributary to the South Fork Kaskaskia River in

or near St. Elmo, Illinois, when the soil within a steep ravine gave way and broke out a four foot section of a six-inch transite pipeline operating under approximately 20 psi from the Quade sump to the Mary Welker sump. The discharged salt water traveled approximately one-third of a mile in the tributary, and an unknown amount of salt water entered the South Fork Kaskaskia River.

19. On April 12, 2010, Petco constructed two earthen dams, with the second dam as close to the South Fork Kaskaskia River as possible. The South Fork Kaskaskia River was flowing at a rate that made containment in and recovery from the creek difficult, given Petco's limited spill response resources.

20. On April 13, 2010, IEPA inspected the site. On that date, visible salt staining located immediately prior to the tributary's connection to the South Fork Kaskaskia River indicated salt water had entered the South Fork Kaskaskia River.

21. On April 13, 2010, IEPA tested the tributary at three separate locations downstream of the release, including one location downstream of the second earthen dam and only a few feet away from the South Fork Kaskaskia River. All readings exceeded the maximum test limit for chloride at 6107 mg/l.

22. On April 16, 2010, IEPA inspected the site. On that date, the first dam had been breached, allowing water to flow to the second dam. IEPA tested the tributary at two separate locations downstream of the release, including one location just upstream of the second earthen dam. All readings exceeded the maximum test limit for chloride at 6107 mg/l.

23. The unnamed tributary and the South Fork Kaskaskia River are "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By causing, allowing or threatening the discharge of crude oil and salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the

Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the tributary and the South Fork Kaskaskia River, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT IX**  
**T.C. CLOW #12 PRODUCTION WELL**  
**IEMA Incident #2010-0384**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count IX.

18. On or about April 15, 2010, Petco discharged approximately two to four barrels of crude oil and twenty-five to thirty barrels of salt water from the T.C. Clow #12 production well in or near St. Elmo, Illinois, when the pump jack pulled the pumping "T" from the stuffing box affixed to the well casing as a result of corrosion. The discharged fluids pumped onto the ground, flowed downhill and entered an unnamed tributary to Little Creek.

19. On April 15, 2010, Petco constructed one earthen dam approximately one-quarter of a mile downstream from the release and upstream of where the tributary enters Little Creek.

20. On April 16, 2010, IEPA inspected the site. On that date, two to four barrels of crude oil had traveled approximately one-eighth mile from the release and the salt water had traveled approximately one-quarter of a mile, contaminating a total area of approximately 32,600 square feet. Little Creek was flowing at a rate that would have made containment in and recovery from the creek difficult, given Petco's limited spill response resources.



21. On April 16, 2010, IEPA tested the tributary downstream of the earthen dam and upstream of Little Creek, with a result of 2853 mg/l of chloride.

22. On April 16, 2010, at the request of IEPA due to the high chloride levels, Petco installed a second earthen dam in the tributary, downstream of the first dam and just upstream of its connection to Little Creek.

23. The unnamed tributary and Little Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging crude oil so as to visibly impair the tributary, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By discharging salt water into waters of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By discharging visible oil into the tributary, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing, allowing or threatening the discharge of crude oil and salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

28. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the tributary and Little Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT X**  
**MAIN INJECTION STATION TO GEORGE DURBIN PIT**  
**IEEMA Incident #2010-0539**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count X.

18. On or about May 20, 2010, Petco discharged less than one barrel crude oil and approximately two to three barrels of salt water when a four-inch PVC drain line connecting the Main Injection Station and the George Durbin Pit in or near St. Elmo, Illinois, leaked directly into Wolf Creek, a tributary of Big Creek.

19. On May 21, 2010, IEPA inspected the site. On that date, oil sheen was visible in Wolf Creek. Petco had deployed three absorbent booms in Wolf Creek near the release point.

20. Petco had to dig an eight-foot deep pit next to the creek in order to cut the line and stop the flow of liquids. On or about June 23, 2010, Petco bored a new line and replaced the drain line with a new three-inch pipeline inside of an eight-inch conduct under Wolf Creek.

21. Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 5/3.550 of the Act, 415 ILCS 3.550 (2020).

22. By discharging crude oil so as to visibly impair Wolf Creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By discharging visible oil into the creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of crude oil and salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XI**  
**CYNTHIA HOPPER #2 INJECTION LINE**  
**IEMA Incident #2010-0544**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XI.

18. On or about May 21, 2010, Petco discharged approximately ten (10) barrels of crude oil and 200 to 300 barrels of salt water into a dry ditch when a new six-inch fiberglass injection line ruptured at the Cynthia Hopper #2 well in or near St. Elmo, Illinois, when a thread joint sank in the soil. The spill traveled 100 yards on soil until it reached and entered Wolf Creek, a tributary to Big Creek.

19. On May 21, 2010, IEPA inspected the site. On that date, IEPA tested the ditch, with a result exceeding the maximum test limit for chloride at 6107 mg/l.

20. On May 25, 2010, IEPA inspected the site. On that date, most of the crude oil had been removed from the ditch. IEPA tested the water in the ditch, with a result of 4763 mg/l of chloride.

21. On May 26, 2010, Petco tested the water in the ditch with a result of 1664 mg/l of chloride.

22. On June 2, 2010, Petco tested the water in the ditch with a result below 298 mg/l of chloride.

23. Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 5/3.550 of the Act, 415 ILCS 3.550 (2020).

24. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the ditch and Wolf Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XII**  
**GEORGE DURBIN PIT**  
**IEMA Incident #2010-0636**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XII.

18. On or about June 14, 2010, Petco discharged approximately five (5) barrels of crude oil and 200 barrels of salt water when the variable drives that control the amount of salt water on the pumps at the George Durbin Pit in or near St. Elmo, Illinois, stopped working during a power outage and did not restart. No alarms were working because of the power outage. The discharged fluids overflowed onto the ground for approximately 50 to 100 feet before entering Wolf Creek and then Big Creek.

19. On June 15, 2010, IEPA inspected the site. On that date, the water in Wolf Creek was moving swiftly due to recent rainfall and chloride levels were low. However, oil sheen was visible in Wolf Creek, both at the bridge near the George Durbin Pit and at the Little Weber Bridge, approximately one mile downstream of the release point.

20. Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair Wolf Creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into Wolf Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the tributary, Wolf Creek and Big Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XIII**  
**LIZZIE FITCHMAN #1 FLOWLINE**  
**IEMA Incident #2010-0643**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XIII.

18. On or about June 16, 2010, Petco discharged approximately five to ten barrels of crude oil and 100 barrels of salt water from a hole in a collar clamp on the Lizzie Fitchman #1 flowline in or near St. Elmo, Illinois, when a hole corroded in the flowline at an old repair collar clamp. The discharged fluids traveled on grassy land to eventually reach Wolf Creek, impairing the same portion of Wolf Creek as IEMA Incident #2010-0636, which had occurred several days prior. See Count XII.

19. On June 17, 2010, IEPA inspected the site. On that date, cane grass at the release point was oiled about two feet high for approximately two acres – the quarter-mile distance from the spill to an unnamed tributary serving Wolf Creek. The spill had impacted a backwater swamp area with crude oil and saltwater and contaminated a total area of approximately 122,500 square feet, or nearly three acres.

20. On June 17, 2010, Petco had installed a siphon dam in the tributary just upstream of Wolf Creek to collect crude oil and saltwater. Three absorbent booms from IEPA Incident #2010-0636 were already in place in Wolf Creek. One additional boom was added to replace an old boom that had disconnected due to swift currents, and was visibly collecting scum and sheen.

21. Wolf Creek eventually merges with Little Moccasin Creek to form Big Creek.

22. The swamp, Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By discharging crude oil so as to visibly impair the backwater swamp and Wolf Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By discharging visible oil into the backwater swamp and Wolf Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the swamp, tributary, Wolf Creek and Big Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XIV**  
**CYNTHIA HOPPER #2 INJECTION WELL**  
**IEMA Incident #2010-0681**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XIV.

18. On or about June 24, 2010, Petco discharged crude oil and approximately 400 barrels of salt water when a six-inch fiberglass pipeline located just north of Wolf Creek in or near

St. Elmo, Illinois, blew the threads out of the collar clamp at the Cynthia Hopper #2 injection well – the same spill site as IEMA Incident #2010-0544, which had occurred just a month earlier. See Count XI. Saltwater flowed into a drainage ditch and emptied into Wolf Creek.

19. Wolf Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of crude oil and salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the ditch and Wolf Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XV**  
**CYNTHIA HOPPER #2 FLOWLINE**  
**IEMA Incident #2010-0799**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XV.

18. On or about July 25, 2010, Petco failed to close flowline valves at a creek crossing and discharged approximately two to three barrels of crude oil from a two-inch steel sleeved flowline at the Cynthia Hopper #2 well in or near St. Elmo, Illinois, after installation of a new pump jack and new piping at the well head. Rising water due to heavy rainfall submerged the broken flowline, allowing liquids to discharge from the flow line sleeve directly into Wolf Creek. This spill site is the same as IEMA Numbers 2010-0544 and 2010-0681. See Counts XI and XIV.



19. Downstream from the release, Wolf Creek merges with Little Moccasin Creek to form Big Creek.

20. On July 25, 2010, IEPA inspected the site. On that date, three absorbent booms with pads were present in Wolf Creek. Visible clumps of oil and rainbow sheen were flowing past the first two booms. No recoverable oil was present at the third boom location. The vast majority of recoverable oil had already flowed past Petco's ineffective containment barriers.

21. Wolf Creek and Big Creek were flowing at a rate that made containment in and recovery from the creeks difficult, given Petco's limited spill response resources. Petco did not have enough skirt or hard containment boom to deploy across either Wolf Creek or Big Creek to prevent migration of the discharged fluids throughout the high velocity waters. The July 25, 2010 spill contaminated a total area of approximately 308 acres.

22. On July 25, 2010, visible clumps of oil and rainbow sheen were also present in Big Creek, approximately one-third mile from the release.

23. On July 26, 2010, IEPA inspected the site. On that date, visible clumps of oil and rainbow sheen were flowing past the first boom. Minor amounts of emulsified oil had accumulated behind the remaining booms.

24. Wolf Creek and Big Creek are "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

25. By discharging crude oil so as to visibly impair both Wolf Creek and Big Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By discharging visible oil into Wolf Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XVI**  
**SARA CLOW #8W INJECTION WELL**  
**IEEMA Incident #2010-0981**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XVI.

18. On September 7, 2010, Petco discharged approximately eighty (80) barrels of salt water into an unnamed creek when a valve to the injection line from the Sara Clow #8W injection well in or near St. Elmo, Illinois was activated. The spill traveled for one-half mile.

19. On September 8, 2010, IEPA inspected the site. On that date, Petco had deployed pads on the soil near the injection well and had constructed four earthen dams in the creek. Petco tested the water at the second earthen dam with a result of 2332 mg/l of chloride.

20. On September 8, 2010, a Petco representative stated that there had been approximately twelve dead minnows present at the third earthen dam.

21. On September 14, 2010, Petco tested the water between the second and third earthen dams with a result of 700 mg/l of chloride.

22. On September 20, 2010, Petco tested the water between the second and third earthen dams with a result under 400 mg/l of chloride.

23. The unnamed creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XVII**  
**DIAL/DURBIN DISPOSAL LINE**  
**IEMA Incident #2010-1160**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XVII.

18. On or about October 25, 2010, Petco discharged approximately 100 barrels of salt water into the headwaters of Riley Run Creek when a break occurred at a joint in the Dial/Durbin disposal pipeline, a six-inch PVC gravity salt water transfer line in or near St. Elmo, Illinois. The spill traveled for over one-half mile.

19. On October 26, 2010, IEPA inspected the site. On that date, Petco had constructed three earthen dams in the creek and the leaked salt water had reached the second earthen dam, which was located approximately one-half mile from the release point, for a total contaminated

area of approximately 27,000 square feet. IEPA tested the water at the second earthen dam with results ranging from 5370 to 6107 mg/l of chloride.

20. Riley Run Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XVIII**  
**LEROY CUMMINGS #10W INJECTION WELL**  
**IEMA Incident #2010-1293**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XVIII.

18. On or about November 29, 2010, Petco discharged approximately one barrel of crude oil and 200 to 250 barrels of salt water when a six-inch pipeline failed due to old threads that stripped on a T-joint to an injection line near the Leroy Cummings #10W injection well in or near St. Elmo, Illinois. The salt water drained onto the soil of a cattle pasture area and flowed into an unnamed tributary of Little Creek.

19. On November 29, 2010, IEPA inspected the site. On that date, Petco had constructed two earthen dams in the tributary to contain the release. The second earthen dam was located just upstream of the confluence with Little Creek.

20. On November 29, 2010, IEPA tested the water at the second earthen dam, which exceeded the maximum test limit for chloride with a result of 6107 mg/l. Petco tested the water at the second earthen dam, which exceeded the maximum test limit for chloride with a result of 6765 mg/l.

21. On November 29, 2010, due to the maximum chloride test readings during the field tests, IEPA collected a water sample upstream of the second earthen dam for further laboratory analysis: surface water chloride sample #S301. Laboratory analysis of sample #S301 indicated 12,300 mg/l of chloride.

22. On December 1, 2010, Petco tested the water in the tributary with a result just over 800 mg/l of chloride.

23. On December 2, 2010, Petco tested the water at the second earthen dam with a result of 667 mg/l of chloride.

24. The unnamed tributary and Little Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

25. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the tributary and Little Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XIX**  
**RICHARD LARIMORE SUMP**  
**IEEMA Incident #2010-1328**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XIX.

18. On or about December 7, 2010, Petco discharged a small quantity of crude oil and approximately 200 to 250 barrels of salt water when a buried ten-inch steel flowline at the Richard Larimore sump near St. Elmo, Illinois, split approximately six feet longitudinally due to corrosion. The salt water, along with crude oil, breached the inadequate containment berm, flowed into a roadside ditch, continued into an unnamed tributary of Wolf Creek, and then flowed directly into the fast-moving waters of Wolf Creek. The discharged fluids traveled approximately 500 feet over land and contaminated an area of approximately 6600 square feet before entering Wolf Creek.

19. On December 8, 2010, IEPA inspected the site. On that date, the breached pipeline was exposed, but it continued to discharge salt water and crude oil. Crude oil and salt water had entered Wolf Creek, as indicated by the staining present in the unnamed tributary just prior to

entering Wolf Creek. IEPA tested the water within the tributary, which exceeded the maximum test limit for chloride at 6815 mg/l.

20. On December 8, 2010, Petco only had one vacuum truck collecting liquids from the pipeline repair at the sump, due to another release that had occurred that day, and no additional recovery or remediation was occurring while attempts were made to repair the breached pipeline.

21. The ditch, unnamed tributary, and Wolf Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging crude oil so as to visibly impair the creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

23. By discharging visible oil into the creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the ditch, unnamed tributary and Wolf Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XX**  
**M. TIRREY #9 FLOWLINE**  
**IEMA Incident #2010-1329**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XX.

18. On or about December 8, 2010, Petco discharged approximately two barrels of crude oil and thirty barrels of salt water from a two-inch PVC flowline serving the Martha Terry #9 well in an area where the line ran through a creek crossing near St. Elmo, Illinois. The flowline became exposed at a crossing due to soil erosion, and cracked when the banks of the creek gave way due to rain and contaminated an area of approximately 5000 square feet.

19. On December 8, 2010, IEPA inspected the site. On that date, saltwater and visible oil were present in the creek.

20. The creek is a “water” of the State as that term is defined in Section 5/3.550 of the Act, 415 ILCS 3.550 (2020).

21. By causing, allowing or threatening the discharge of salt water and crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).



**COUNT XXI**  
**OLA HARPER #5 FLOWLINE**  
**IEMA Incident #2010-1336**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXI.

18. On or about December 9, 2010, Petco discharged approximately two to four barrels of crude oil and 300 to 400 barrels of salt water when an underground PVC flowline serving the Ola Harper #5 production well near St. Elmo, Illinois failed approximately sixty feet north of the well due to a sudden increase in well pressure. Crude oil impacted a farm field while the salt water flowed nearly two miles to enter the South Fork Kaskaskia River.

19. The South Fork Kaskaskia River is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing salt water and crude oil to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the South Fork Kaskaskia River, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXII**  
**JENNY BRAUER #10 FLOWLINE**  
**IEMA Incident #2010-1400**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXII.

18. On or about December 24, 2010, Petco discharged approximately two to four barrels of crude oil and five barrels of salt water when Petco restarted production of the Jenny Brauer #10 well in or near St. Elmo, Illinois. A two-inch flowline along the bank of a ditch had previously been damaged by drilling crews and was not repaired prior to the resumption of production of the well. The discharged fluids entered the snow-covered ditch and flowed approximately 100 feet into a Petco quarry pond.

19. On December 27, 2010, IEPA inspected the site. On that date, the discharged fluids had traveled approximately two feet from the quarry pond bank. Crude oil was present on the ice at the quarry pond.

20. On December 30, 2010, IEPA inspected the site. On that date, the ice in the quarry pond had broken up and a vacuum truck was still recovering crude oil scum that was being contained to the bank by absorbent boom.

21. The pond is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging crude oil so as to visibly impair the quarry pond, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By discharging visible oil into the pond, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of salt water and crude oil to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the

Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing salt water and crude oil to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the pond, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXIII**  
**S.M. DIAL #16 DRILLING PIT**  
**IEEMA Incident #2010-1406**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXIII.

18. On or about December 30, 2010, Petco discharged approximately two barrels of crude oil into an unnamed creek when the S.M. Dial #16 drilling pit dike in or near St. Elmo, Illinois, was washed out by one-half inch of rain. The discharged fluids ran down a hill into the unnamed creek before entering Riley Run Creek, contaminating an area of approximately 20,000 square feet.

19. On December 30, 2010, IEPA inspected the site. On that date, Petco was breaking up ice in the unnamed creek in order to allow the crude oil to flow to recovery points at the low water bridges in Riley Run Creek. Some crude oil had traveled to the William Ireland low water bridge, where Petco was constructing a siphon dam.

20. The unnamed creek and Riley Run Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair the unnamed creek and Riley Run Creek, Respondent caused offensive conditions in waters of the State in violation of Section

302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into the unnamed creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the unnamed creek and Riley Run Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXIV**  
**EDITH DURBIN PIT**  
**IEMA Incident #2011-0010**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXIV.

18. On or about January 6, 2011, Petco discharged crude oil and salt water from a six-inch underground pipeline that drains into the Edith Durbin Pit in or near St. Elmo, Illinois, when a collar on the line broke into two pieces, potentially due to pressure caused by tree roots. The discharged salt water flowed approximately two miles down nearby Little Creek, a tributary to the South Fork Kaskaskia River.

19. Little Creek and the South Fork Kaskaskia River are "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through their proximity to Little Creek and the South Fork Kaskaskia River, Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXV**  
**S.M. DIAL #5 FLOWLINE**  
**IEMA Incident #2011-0076**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXV.

18. On or about January 28, 2011, Petco discharged approximately two to four barrels of crude oil and sixty barrels of salt water from the S.M. Dial tank battery site in or near St. Elmo, Illinois, when the S.M. Dial #5 flowline broke. The spill filled the inadequate containment berm and overflowed into an unnamed creek and then traveled approximately one and one-half mile in Riley Run Creek, impacting an area of 32,400 square feet.

19. On January 29, 2011, IEPA inspected the site. On that date, Petco had constructed two siphon dams in Riley Run Creek – one at the William Ireland Low Water Bridge and one at the Fred Ireland Low Water Bridge. Eleven vacuum trucks were flushing and recovering crude oil and salt water from the creek. IEPA tested surface water at both bridges with chloride concentrations of 1339 mg/l at the William Ireland and 1704 mg/l at the Fred Ireland.

20. The unnamed creek and Riley Run Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair the unnamed creek and Riley Run Creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By discharging visible oil into the unnamed creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XXVI**  
**ARNOLD UNIT TANK BATTERY**  
**IEMA Incident #2011-0257**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXVI.

18. On or about March 22, 2011, Petco discharged approximately ten barrels of crude oil and 100 barrels of salt water into an unnamed intermittent creek when a PVC line failed after

the metal braces broke off the Arnold Unit Tank Battery on the J.B. Tucker lease in or near St. Elmo, Illinois, potentially due to high winds. The spill impacted the creek for approximately one-eighth of a mile, just upstream of Wolf Creek, contaminating an area of approximately 45,400 square feet.

19. On March 23, 2011, four vacuum trucks were used to recover crude oil and salt water from the creek. Petco tested the creek with a result of 4023 mg/l of chloride.

20. On March 24, 2011, IEPA inspected the site. On that date, Petco had constructed a siphon dam and two earthen dams in the unnamed creek, just upstream of Wolf Creek. IEPA tested the creek upstream of the siphon dam with a result of 1968 mg/l of chloride.

21. On March 24, 2011, Petco tested the creek downstream of the siphon dam with a result of 1832 mg/l of chloride.

22. On March 25, 2011, Petco tested the creek downstream of the siphon dam with a result of 1561 mg/l of chloride.

23. On April 4, 2011, Petco tested the creek downstream of the siphon dam and upstream of the earthen dams with results ranging between 579 and 613 mg/l of chloride.

24. The unnamed creek and Wolf Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

25. By discharging crude oil so as to visibly impair the unnamed creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in

Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By discharging visible oil into the creek. Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

28. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XXVII**  
**J.T. WRIGHT #8 PRODUCTION WELL**  
**IEMA Incident #2011-0324**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXVII.

18. On or about April 11, 2011, Petco discharged approximately two barrels of crude oil from a leak in a two-inch gas vent "L" fitting associated with the J.T. Wright #8 production well in Fayette County near St. Elmo, Illinois. The spill impacted the soil and traveled approximately one-eighth of a mile in a narrow creek that had a natural water flow due to recent rains and that drained to an approximately two-acre pond.

19. On April 13, 2011, IEPA inspected the site. On that date, Petco had constructed three siphon dams in the creek. Oil was present at the first and second dam locations, but did not reach the pond.



20. The creek and pond are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair the creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into the creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the creek, Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXVIII**  
**KATIE OWENS PIT**  
**IEMA Incident #2011-0539**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXVIII.

18. On or about May 25, 2011, Petco discharged approximately twenty barrels or more of crude oil into Big Creek when the Katie Owens Pit in or near St. Elmo, Illinois overflowed. Petco intentionally cut the power to the pit pump in order to allow for power line repairs after a

significant storm event, but the pit continued to receive liquids and eventually overflowed. The crude oil atop the water in the pit was the first material to be discharged; it flowed from the pit and traveled approximately 250 feet in a small drainage ditch before directly entering Big Creek, a tributary to the Kaskaskia River.

19. On May 26, 2011, IEPA inspected the site. On that date, the direct impact to Big Creek was significant. Petco had established three separate sorbent boom locations within Big Creek, which was flowing at an above-average rate. The majority of the oil was contained at the first boom location, approximately one-quarter mile from where it entered Big Creek, but ribbons of oil were making it past the first boom sets and collecting at intermittent points along the south bank of the creek for another quarter-mile. The area was heavily wooded and required clearing before vacuum trucks could gain access.

20. Big Creek and the Kaskaskia River are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair Big Creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into Big Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Big Creek and the Kaskaskia River, Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXIX**  
**SARAH CLOW TANK BATTERY**  
**IEMA Incident #2011-0619**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXIX.

18. On or about June 12, 2011, Petco discharged approximately 80 to 100 barrels of salt water into an unnamed creek when a valve on the header failed due to both interior and exterior corrosion at the Sarah Clow tank battery near St. Elmo, Illinois. The spill breached the inadequate containment berm and impacted soil, vegetation and surface water, for a total area of approximately 38,400 square feet.

19. The unnamed creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the creek, Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXX**  
**LEANDER WOOD #15B7 INJECTION WELL**  
**IEMA Incident #2011-0626**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXX.

18. On or about June 13, 2011, Petco discharged approximately twenty barrels of salt water when a drain valve on the top cylinder at the Leander Wood #15B7 injection well located in a fenced horse area in or near St. Elmo, Illinois was opened. Some of the salt water entered into an approximately 80 by 100 foot pond; what did not make it to the pond soaked into the soil of a mostly dry creek that was approximately 100 feet long from the injection well to the pond.

19. On June 14, 2011, IEPA inspected the site. On that date, it was raining. Petco had constructed two dams in the ditch in the woods upstream from the pond. Petco tested the creek upstream of the first dam with a result of 4792 mg/l of chloride.

20. The June 13, 2011 spill contaminated an area of approximately 6,650 square feet. Several shallow private drinking wells were in the vicinity of the spill site. One private well was within 1000 feet of the spill site and only 25 feet deep.

21. On June 16, 2011, Petco tested the creek upstream of the first dam with a result of 1800 mg/l of chloride.

22. The surface pond and groundwater are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the creek, pond and groundwater, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXXI**  
**MAE DURBIN SUMP**  
**IEMA Incident #2011-0646**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXI.

18. On or about June 17, 2011, Petco discharged approximately five barrels of crude oil and ten barrels of salt water into a tributary of Big Creek due to human error when Petco was replacing the Mae Durbin Sump in or near St. Elmo, Illinois and one new line blew apart in the containment berm just before it began raining. The berm breached and crude oil and salt water spilled out onto the ground and into the tributary, contaminating an area of approximately 7000 square feet.

19. On June 18, 2011, IEPA inspected the site. On that date, the water in the tributary was moving swiftly because of recent and continuing rains. Petco had constructed a siphon dam the prior day that was washed out by the heavy rains. Two river booms were present along the creek bank of the tributary, and little crude oil remained.

20. The tributary and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair the tributary, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water

Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into the tributary, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Big Creek and its tributary, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXXII**  
**LEANDER WOOD LEASE**  
**IEMA Incident #2011-0647**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXII.

18. On or about June 17, 2011, Petco discharged approximately one barrel of crude oil from the Leander Wood Lease into Wolf Creek in or near St. Elmo, Illinois, contaminating an area of approximately 27,000 square feet.

19. On June 18, 2011, IEPA inspected the site. On that date, the water in Wolf Creek was moving swiftly because of recent rains. Petco had deployed a river boom but it had washed away. No evidence of crude oil remained in Wolf Creek.

20. Wolf Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XXXIII**  
**BIG CREEK OVERFLOW FISH KILL**  
**IEMA Incident #2011-0742**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXIII.

18. On or about July 9, 2011, Petco discharged crude oil and approximately 80 to 100 barrels of salt water into back waters and an overflow slough area of Big Creek when a two-inch high pressure pipeline associated with the George Durbin injection well in Fayette County near St. Elmo, Illinois, failed due to internal corrosion of a two-inch non-stainless steel nipple affixed to the pipeline. The salt water flowed for approximately 300 feet to an area known as “Big Creek Overflow,” which is subject to routine flooding when Big Creek overflows its banks. Big Creek Overflow usually contains surface water and reed grasses, such as cattails. The ponded salt water affected approximately one-quarter acre of the area (where the fish kill occurred) and then flowed, via ditches, approximately another 400 feet to Big Creek.

19. On July 9, 2011, IEPA inspected the site. On that date, several hundred minnows and 100 or more fish, including but not limited to, catfish and sunfish ranging in size from three to seven inches, were either dead or dying.

20. On July 9, 2011, staining was present in the ditch leading to Big Creek, indicating salt water had entered Big Creek. The flow within Big Creek was substantial and quickly diluted the salt water. No dead fish were present in Big Creek. Petco had installed one containment dam within 75 to 100 feet of Big Creek and four vacuum trucks were recovering liquids.

21. On July 9, 2011, IEPA tested the surface water in the Big Creek Overflow where the fish kill occurred and where it is contained at the dam before entering Big Creek, with both results exceeding the maximum test limit for chloride at 6815 mg/l.

22. On July 11, 2011, all the fish and aquatic life within the Big Creek Overflow were dead.

23. On July 11, 2011, IEPA tested the Big Creek Overflow where the fish kill occurred with results ranging between 1437 and 1554 mg/l of chloride.

24. On July 11, 2011, IEPA tested the surface water contained at the dam before entering Big Creek with results ranging between 1047 and 1134 mg/l of chloride.

25. IDNR investigated the fish kill over the three-day period, documenting a total of fifty-four dead fish, including but not limited to, largemouth bass, white crappie and yellow bullhead.

26. The Big Creek Overflow and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

27. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).



28. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

29. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Big Creek and its Overflow, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXXIV**  
**CHARITY McCLAIN DISPOSAL LINE**  
**IEMA Incident #2011-1041**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXIV.

18. On or about September 28, 2011, Petco discharged an unknown amount of salt water into an intermittent drainage tributary to Little Creek when an older non-stainless steel clamp failed where the Charity McClain six-inch gravity drain salt water disposal pipeline connects underground to the Hobbs Sump pipeline on the T.C. Clow lease in Fayette County near St. Elmo, Illinois. The release occurred on the property of Mr. and Mrs. Gary Bartel and traveled over one-quarter of a mile in the tributary, very near to Little Creek.

19. On September 29, 2011, IEPA inspected the site. On that date, the pipeline upgradient of the failed clamp was constructed of transite and the pipeline downgradient of the clamp was constructed of PVC plastic, indicating the clamp was originally intended to be temporary.

20. On September 29, 2011, Petco had constructed three dams within the tributary between the release and Little Creek and five vacuum trucks were recovering liquids and flushing the tributary with fresh water. The tributary was not flowing, but rather was holding ponded water throughout the drainage way.

21. On September 29, 2011, IEPA tested surface water in the tributary between the second and third dam, approximately 150 feet from Little Creek, with a result exceeding the maximum test limit for chloride at 6109 mg/l.

22. The surface waters in the tributary and Little Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Little Creek and its tributary, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXXV**  
**MARTIN McCLAIN #8-W INJECTION WELL**  
**IEMA Incident #2011-1169**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXV.

18. On or about November 1, 2011, Petco discharged approximately 400 barrels of salt water into Little Creek when the one-inch right swedge to the Martin McClain 8W injection well in Fayette County near St. Elmo, Illinois developed a hole due to both internal and external corrosion. The release traveled two miles in Little Creek, contaminating an area of approximately 2.6 acres.

19. On November 2, 2011, IEPA inspected the site. On that date, Petco had constructed three siphon dams in Little Creek and seven vacuum trucks were recovering salt water. IEPA tested surface water in Little Creek at the first recovery point, Bartell's Low Water Bridge, with a result exceeding the maximum test limit for chloride at 6109 mg/l. IEPA also tested water at each siphon dam, with results of 2406 mg/l of chloride at siphon dam #1, 3858 mg/l of chloride at siphon dam #2, and a maximum test limit of 6109 mg/l of chloride at siphon dam #3. Two miles downstream from the release, IEPA tested the water at the Hobbs Low Water Bridge, with a result of 972 mg/l of chloride.

20. On November 2, 2011, due to the maximum limit reading of 6109 mg/l of chloride at the Bartell's Low Water Bridge during the field test, IEPA collected a water sample for further laboratory analysis: surface water chloride sample #S301. Laboratory analysis of sample #S301 indicated 32,100 mg/l of chloride.

21. On November 3, 2011, Little Creek had flowing water about halfway up the siphon dams due to overnight rainfall and seven vacuum trucks were recovering salt water and flushing Little Creek with fresh water. Petco dammed off the Hobbs Low Water Bridge for containment and tested surface water in Little Creek, with chloride concentrations exceeding 500 mg/l as follows:

Siphon Dam #1	Siphon Dam #2	Hobbs Low Water Bridge
6587 mg/l (max)	4374 mg/l	2470 mg/l

22. On November 4, 2011, IEPA inspected the site. On that date, two vacuum trucks were flushing from the release point and five vacuum trucks were recovering salt water in Little Creek. During the inspection, IEPA and Petco tested surface water in Little Creek, with chloride concentrations exceeding 500 mg/l as follows:

Bartell's Low Water Bridge (mg/L)		Siphon Dam #1 (mg/L)		Siphon Dam #2 (mg/L)		Siphon Dam #3 (mg/L)		Hobbs Low Water Bridge (mg/L)	
IEPA	Petco	IEPA	Petco	IEPA	Petco	IEPA	Petco	IEPA	Petco
2206	2339	3487	3641	5389	5019	6109	5699	3164	3024

23. Petco tested surface water in Little Creek from November 4, 2011 through November 9, 2011, with chloride concentrations exceeding 500 mg/l as follows:

LOCATION	11/4/11	11/8/11	11/9/11	11/10/11
Bartell's Low Water Bridge (mg/L)	2543	1041	-	-
Siphon Dam #1 (mg/L)	1986	1041	-	-
Siphon Dam #2 (mg/L)	4474	-	673	-
Siphon Dam #3 (mg/L)	6587 (max)	806	806	-
Hobbs Low Water Bridge (mg/L)	2770	1041	613	673

24. Little Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

25. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XXXVI**  
**Loudon #33 #G4 Injection Well**  
**IEMA Incident #2012-0001**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXVI.

18. On or about January 2, 2012, Petco discharged approximately twenty to fifty barrels of salt water at the #33 injection well #G4 on the S.M. Dial Lease in or near St. Elmo, Illinois, after vandals apparently opened the valve and removed a one-quarter inch bull plug. The release traveled on land downgradient into a ditch and then into an unnamed tributary of Riley Run Creek, approximately one mile from the release point.

19. On January 3, 2012, IEPA inspected the site. On that date, Petco had constructed three siphon dams in the tributary and one siphon dam downstream of the tributary in Riley Run Creek at the Low Water Bridge. Four vacuum trucks were recovering salt water from the tributary.

20. On January 3, 2012, IEPA tested water at each siphon dam, with results of 3487 mg/l of chloride at siphon dam #1 and 3179 mg/l at siphon dam #2.

21. Petco tested surface water at each siphon dam from January 3, 2012 through January 6, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>1/3/12</b>	<b>1/4/12</b>	<b>1/6/12</b>
Siphon Dam #1 (mg/L)	2660	1610	-
Siphon Dam #2 (mg/L)	3179	2241	-
Siphon Dam #3 (mg/L)	1610	2060	530

22. Riley Run Creek and its tributary are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Little Creek and its tributary, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXXVII**  
**MAE DURBIN SUMP STORAGE TANK**  
**IEMA Incident #2012-0068**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXVII.

18. On or about January 27, 2012, Petco discharged approximately fifty barrels of salt water into an unnamed tributary to Big Creek during a power outage at the Mae Durbin Sump salt water tank in or near St. Elmo, Illinois. The salt water overflowed from the aboveground storage tank and collapsed the containment berm, allowing the salt water to reach the unnamed tributary flowing next to the containment berm.

19. On January 27, 2012, IEPA inspected the site. On that date, Petco had constructed one siphon dam and employed four booms downstream of the siphon dam. Five vacuum trucks were recovering salt water from the unnamed tributary. Water in the tributary was moving swiftly due to recent rainfall and chloride levels were low, indicating the salt water had been carried past the siphon dam and diluted by the rainfall.

20. The unnamed tributary and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By causing or allowing salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Big Creek and its tributary, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXXVIII**  
**J.B. DREES #13 FLOWLINE**  
**IEMA Incident #2012-0130**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXVIII.

18. On or about February 19, 2012, Petco discharged approximately five barrels of crude oil and fifty barrels of salt water into Wolf Creek, a tributary to Big Creek, when a steel-sleeved fiberglass crude oil flowline serving the J.B. Drees #13 well broke where it crossed Wolf Creek and beneath the northern creek bank in or near St. Elmo, Illinois. The release traveled one-quarter of a mile in Wolf Creek before two log jams trapped a majority of the oil.

19. On February 19, 2012, IEPA inspected the site. On that date, the sandy creek bank was saturated with oil and was visibly leaching oil and sheen to Wolf Creek. An approximately ten by twelve area was oil-stained from the pump spraying oil farther up the creek bank from the broken sleeve.

20. On February 19, 2012, Petco had deployed a skirted boom approximately 100 feet downstream of the release. Pockets of oil were trapped approximately 100 feet downstream of the skirted boom. Further downstream, a large log debris jam trapped the majority of the oil. Even further downstream, an extremely large log debris jam trapped the leading edge of the oil. As a result, the log jams contained a majority of the oil within one-quarter to one-third mile of the release. A second skirted boom was positioned downstream of the second log jam and two vacuum trucks were recovering crude oil and sheen from Wolf Creek.

21. On February 19, 2012, IEPA instructed Petco to excavate the oil soaked sand on the creek bank that continued to leach oil into Wolf Creek and to install additional sorbent booms closer to the release and downstream of both log jams.



22. On February 21, 2012, IEPA inspected the site. On that date, the contaminated creek bank and contaminated wood from the first log jam was being excavated and stockpiled. The water level in Wolf Creek was dropping, allowing rainbow sheen to escape the second log jam uncontained. Upon IEPA instruction, Petco deployed several sections of additional sorbent booms downstream of the second jam during the inspection.

23. On February 23, 2012, Petco completed cleaning the creek and the creek banks, with the exception of the second log jam, which it left in place for containment until after the forecasted rainfall. Petco generated at least four dumpsters of oily debris excavated from Wolf Creek and its banks.

24. Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

25. By discharging crude oil so as to visibly impair Wolf Creek, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By discharging visible oil into Wolf Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

28. By causing or allowing crude oil to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Wolf Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XXXIX**  
**KENNETH STUBBLEFIELD #1 FLOWLINE**  
**IEMA Incident #2012-0264**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XXXIX.

18. On or about March 24, 2012, Petco discharged approximately five barrels of crude oil and forty barrels of salt water from a hole caused by corrosion in the two-inch steel flowline serving the Kenneth Stubblefield #1 production well in or near St. Elmo, Illinois. The release had traveled approximately 200 feet down a hillside to an intermittent drainage way and then approximately one-half mile to reach Wolf Creek, a tributary of Big Creek, before Petco discovered it on March 27, 2012. The release contaminated an area of approximately 3.2 acres.

19. On March 27, 2012, IEPA inspected the site. On that date, the intermittent drainage way was flowing and oiled for the one-half mile distance from the point where the release entered until it discharged into Wolf Creek. Petco had constructed a siphon dam at the mouth of the intermittent drainage way and deployed a skirted boom in Wolf Creek where the discharge entered.

20. On March 27, 2012, Wolf Creek contained intermittent pockets of oil, generally along the banks, for a distance of approximately one-quarter mile. Petco was installing another skirted boom near the mouth of Wolf Creek before it enters Big Creek.

21. On March 27, 2012, Big Creek contained smaller pockets of oil and oil sheen for a distance of a couple of hundred yards. Petco had deployed a skirted boom in Big Creek near the leading edge of the release.

22. By March 27, 2012, the single steel flow line had impacted soils and more than three-quarters of a mile of surface waters.

23. Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging crude oil so as to visibly impair the flowing drainage way, Wolf Creek and Big Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By discharging visible oil into the flowing drainage way, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to Big Creek, Little Creek and its tributary, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XL**  
**ED HARPER SUMP TANK BATTERY**  
**IEMA Incident #2012-0349**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XL.

18. On or about April 18, 2012, Petco discharged approximately twenty barrels of crude oil and forty barrels of salt water into an unnamed creek when a reclosure switch shorted out on an electrical pole and the Ed Harper Sump tank battery in or near St. Elmo, Illinois released product that overflowed the inadequate containment berm and reached the unnamed creek, which is an unnamed tributary to the South Fork Kaskaskia River. The creek is fed by two fresh water springs, which helped the release cover the entire width of the creek while it traveled for one-eighth of a mile downstream.

19. On April 18, 2012, IEPA inspected the site. On that date, Petco had constructed two siphon dams in the creek approximately 660 feet from the release point and five vacuum trucks were recovering crude oil and salt water from the creek.

20. On April 19, 2012, IEPA inspected the site. On that date, five vacuum trucks were recovering crude oil and salt water from the creek and crews were cleaning the creek with booms and pads. IEPA tested water at siphon dam #2 with a result of 1072 mg/l of chloride. Crude oil was present and being recovered with pads both upstream and downstream of siphon dam #2.

21. On April 20, 2012, Petco was collecting crude oil at siphon dam #1 and three vacuum trucks continued to recover crude oil from the creek.

22. On April 24, 2012, IEPA inspected the site. On that date, crude oil and a brown haze was still present on the surface water upstream of siphon dam #1. Petco had only one vacuum

truck working on recovery because it was focusing on a more recent spill that occurred on April 21, 2012. See Count XLI below.

23. The unnamed spring-fed creek and the South Fork Kaskaskia River are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging crude oil so as to visibly impair the spring-fed creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By discharging visible oil into the spring-fed creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

28. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the spring-fed creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XLI**  
**JOHN DIAL #5 FLOWLINE**  
**IEMA Incident #2012-0369**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLI.

18. On or about April 21, 2012, Petco discharged at least ten barrels of crude oil and twenty barrels of salt water from a corroded two-inch steel flowline at the John Dial #5 production well, which produces 700 barrels of liquids a day, in or near St. Elmo, Illinois. The release traveled by entering a drainage ditch, then Riley Run Creek, where the crude oil traveled approximately three-quarters of a mile before containment, and then migrating to Big Creek, with the salt water traveling nearly two miles downstream to a point where recovery was no longer possible, ultimately contaminating an area of approximately 2.5 acres.

19. On April 23, 2012, IEPA inspected the site. There were no living organisms left in Riley Run Creek to be affected by the release. Seven vacuum trucks were recovering liquids from the drainage ditch. IEPA tested water in Riley Run Creek with a result exceeding the maximum test limit for chloride at 6100 mg/l.

20. Riley Run Creek and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair Riley Run Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By discharging visible oil into the drainage ditch and Riley Run Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the drainage way, Riley Run Creek and Big Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XLII**  
**M.E. HOGAN #11 PRODUCTION WELL**  
**IEMA Incident #2012-0469**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLII.

18. On or about May 12, 2012, Petco discharged approximately two to five barrels of crude oil from the M.E. Hogan #11 production well in or near St. Elmo, Illinois when the valve to the well header was closed, purportedly due to vandalism, and the pump jack continued to operate, spraying oil from the valve on the header pipe. The release traveled on the ground from the header pipe, downgradient for a distance of approximately seventy-five to ninety feet before entering an approximately 1.5-acre pond.

19. On May 15, 2012, IEPA inspected the site. On that date, approximately half of the pond was covered with oil or oil sheen. Petco had deployed booms to contain the oil in the pond, but had not yet established adequate containment, so that wind was allowed to blow oil throughout. A ground surface area of approximately forty feet by forty feet next to the well was oil covered.

20. The 1.5-acre pond is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair the pond, Respondent caused offensive conditions in a water of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into the pond, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).



24. By causing or allowing crude oil to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the pond, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XLIII**  
**L.F. BECK #5 FLOWLINE**  
**IEMA Incident #2012-0479**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLIII.

18. On or about May 15, 2012, Petco discharged approximately two barrels of crude oil and twenty barrels of salt water when the L.F. Beck #5 underground two-inch fiberglass flowline ruptured on a hillside and entered a 2-acre pond in or near St. Elmo, Illinois. The release traveled approximately one-eighth of a mile in a drainage ditch before entering the pond, contaminating an area of approximately 2.8 acres and requiring removal of dead vegetation and oil from the ditch and pond.

19. On May 15, 2012, IEPA inspected the site. On that date, three vacuum trucks were recovering oil from the ditch and pond. Oil was flowing past the one siphon dam in the ditch, entering the pond and becoming windblown. Oil was present on both the northern and southern banks of the pond.

20. The pond is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair the pond, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water

Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into the pond, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil and salt water to be deposited upon the land in the ditch in such place and manner so as to create a water pollution hazard through its proximity to the pond, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XLIV**  
**MAUDE-FOSTER #3 INJECTION WELL**  
**IEMA Incident #2012-0506**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLIV.

18. On or about May 21, 2012, Petco discharged approximately 500 barrels of salt water from a two-inch pipeline serving the Maude-Foster #3 injection well in Jefferson County near Dix, Illinois. The release traveled for approximately one mile through an unnamed tributary to reach Snow Creek, contaminating an area of approximately 9000 square yards.

19. The unnamed tributary and Snow Creek are "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XLV**  
**LIZZIE SMITH TANK BATTERY DISPOSAL LINE**  
**IEMA Incident #2012-0528**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLV.

18. On or about May 25, 2012, Petco discharged approximately twenty (20) barrels of salt water from a corroded gravity drain disposal line to the Hobbs Sump from the Lizzie Smith tank battery located on a hillside in or near St. Elmo, Illinois. The release was contained in a farm field and intermittent creek that was dry at the time of the release, contaminating an area of approximately 4090 square feet.

19. By causing, allowing or threatening salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XLVI**  
**EDITH DURBIN #5 INJECTION PIPELINE**  
**IEMA Incident #2012-0550**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLVI.

18. On or about May 31, 2012, Petco discharged approximately 500 barrels of salt water into Little Creek when an underground three-inch steel and fiberglass connection to the Edith Durbin #5 injection pipeline ruptured in or near St. Elmo, Illinois. The release occurred one-half

of a mile from the residence of Mr. and Mrs. Gary Bartel and traveled approximately two miles in Little Creek before entering the South Fork Kaskaskia River.

19. On June 1, 2012, IEPA inspected the site. On that date, Petco was unable to contain the 500 barrels of salt water due to heavy rainfall the prior day, and the spill had traveled approximately three miles from the release point. Petco had constructed one siphon dam in Little Creek, which had been breached by the rainfall and rebuilt, and four vacuum trucks were recovering liquids from Little Creek. IEPA tested the surface water at the siphon dam with a result of 4288 mg/l of chloride and approximately two miles downstream at the South Fork Kaskaskia River Bridge with a result of 637 mg/l of chloride.

20. Petco constructed a total of four siphon dams and tested surface water at each of the siphon dams and the Hobbs Low Water Bridge from June 4, 2012 through June 8, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>6/4/12</b>	<b>6/5/12</b>	<b>6/6/12</b>	<b>6/7/12</b>	<b>6/8/12</b>
Siphon Dam #1 (mg/l)	6559	5828	5828	4685	3834
Siphon Dam #2 (mg/l)	6559	6559	5828	5212	5212
Siphon Dam #3 (mg/l)	2060	2060	2660	2241	1369
Siphon Dam #4 (mg/l)	2660	2440	2440	1747	1610
Behind Dam #4 (mg/l)	6559	6559	5828	5828	5828
Hobbs Low Water Bridge (mg/l)	6559	5828	5212	4685	3834

21. Petco tested surface water at each of the siphon dams and the Hobbs Low Water Bridge from June 11, 2012 through June 19, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>6/11/12</b>	<b>6/12/12</b>	<b>6/13/12</b>	<b>6/14/12</b>	<b>6/15/12</b>	<b>6/18/12</b>	<b>6/19/12</b>
Siphon Dam #1 (mg/l)	1369	1072	1164	1610	1610	1369	1262
Siphon Dam #2 (mg/l)	5828	988	1262	538	2241	5212	5212
Siphon Dam #3 (mg/l)	1262	988	1484	1747	1896	5486	3486
Siphon Dam #4 (mg/l)	3834	645	1610	1747	2660	3129	2905
Behind Dam #4 (mg/l)	5828	645	1610	1747	1610	2905	2660
Hobbs Low Water Bridge (mg/l)	2905	988	1484	1896	1610	2660	2660

22. Petco tested surface water at each of the siphon dams and the Hobbs Low Water Bridge from June 20, 2012 through June 26, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>6/20/12</b>	<b>6/21/12</b>	<b>6/22/12</b>	<b>6/23/12</b>	<b>6/24/12</b>	<b>6/25/12</b>	<b>6/26/12</b>
Siphon Dam #1 (mg/l)	704	4515	4068	5034	1806	871	1111
Siphon Dam #2 (mg/l)	5212	5034	4515	4068	4068	3680	4068
Siphon Dam #3 (mg/l)	2660	2538	2538	2774	2538	2135	2326
Siphon Dam #4 (mg/l)	2660	2538	2538	2774	2538	2538	4068
Behind Dam #4 (mg/l)	1262	2538	2538	1963	1664	1305	1111
Hobbs Low Water Bridge (mg/l)	1164	2538	2538	945	1664	1305	1534

23. On June 27, 2012, IEPA inspected the site. The creek had been so dry that Petco's flushing with freshwater was leaching the salt water out of the sand in the creek bottom and Petco did not have adequate vacuum trucks on site. Minnows were swimming in salt water pooled at siphon dams #2 and #4. IEPA tested the surface water, with chloride concentrations exceeding 500 mg/l as follows:

<b>Siphon Dam #1</b>	<b>Siphon Dam #2</b>	<b>Siphon Dam #3</b>	<b>Siphon Dam #4</b>	<b>Hobbs Low Water Bridge</b>
4792 mg/l	2880 mg/l	3858 mg/l	1457 mg/l	1144 mg/l

24. Petco tested surface water at each of the siphon dams and the Hobbs Low Water Bridge from June 28, 2012 through July 5, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>6/28/12</b>	<b>6/29/12</b>	<b>6/30/12</b>	<b>7/1/12</b>	<b>7/2/12</b>	<b>7/3/12</b>	<b>7/5/12</b>
Siphon Dam #1 (mg/l)	-	-	1534	1534	-	-	-
Siphon Dam #2 (mg/l)	4515	1963	2538	2135	3040	3680	1415
Siphon Dam #3 (mg/l)	3040	2538	-	-	1025	1111	1305
Siphon Dam #4 (mg/l)	1963	5034	1035	1025	1305	1305	1963
Behind Dam #4 (mg/l)	566	1963	945	871	1415	1204	676
Hobbs Low Water Bridge (mg/l)	1305	1204	1204	1111	1305	1111	676

25. Petco tested surface water at the siphon dams and the Hobbs Low Water Bridge from July 6, 2012 through July 13, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>7/6/12</b>	<b>7/7/12</b>	<b>7/9/12</b>	<b>7/10/12</b>	<b>7/11/12</b>	<b>7/13/12</b>
Siphon Dam #2 (mg/l)	945	871	1025	3340	3040	3680
Siphon Dam #3 (mg/l)	801	1305	1415	1204	3340	871
Siphon Dam #4 (mg/l)	1534	1305	1415	3680	1025	3340
Behind Dam #4 (mg/l)	1534	1806	1806	-	737	516
Hobbs Low Water Bridge (mg/l)	619	619	676	-	-	-

26. Petco tested surface water at the siphon dams and the Hobbs Low Water Bridge from July 15, 2012 through July 19, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>7/15/12</b>	<b>7/16/12</b>	<b>7/17/12</b>	<b>7/18/12</b>	<b>7/19/12</b>	<b>7/21/12</b>
Siphon Dam #2 (mg/l)	2774	2538	2538	2774	2774	2538
Siphon Dam #3 (mg/l)	871	871	737	737	-	-
Siphon Dam #4 (mg/l)	2774	2538	2326	676	-	-
Behind Dam #4 (mg/l)	-	-	516	737	-	-
Hobbs Low Water Bridge (mg/l)	-	-	516	-	-	-

27. Petco tested surface water at siphon dam #2 from July 22, 2012 through July 28, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>7/22/12</b>	<b>7/23/12</b>	<b>7/24/12</b>	<b>7/25/12</b>	<b>7/26/12</b>	<b>7/28/12</b>
2538 mg/l	2538 mg/l	1963 mg/l	1025 mg/l	1025 mg/l	871 mg/l

28. Little Creek and the South Fork Kaskaskia River are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

29. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

30. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT XLVII**  
**ROBERT McCLOY DISPOSAL LINE**  
**IEMA Incident #2012-0561**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLVII.

18. On or about June 11, 2012, Petco discharged approximately 100 barrels of salt water from a pig trap on the Robert McCloy disposal pipeline into a dry tributary to Riley Run Creek in or near St. Elmo, Illinois.

19. Petco installed four siphon dams and tested surface water at each of the dams from June 11, 2012 through June 18, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>6/11/12</b>	<b>6/12/12</b>	<b>6/13/12</b>	<b>6/14/12</b>	<b>6/15/12</b>	<b>6/18/12</b>
Siphon Dam #1 (mg/l)	909	-	590	645	909	1164
Siphon Dam #2 (mg/l)	538	-	836	768	400	2060
Siphon Dam #3 (mg/l)	3175	590	836	768	988	988
Siphon Dam #4 (mg/l)	704	-	-	645	909	1610

20. Petco installed four siphon dams and tested surface water at each of the dams from June 19, 2012 through June 25, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>6/19/12</b>	<b>6/20/12</b>	<b>6/21/12</b>	<b>6/22/12</b>	<b>6/25/12</b>
Siphon Dam #1 (mg/l)	2060	1369	566	566	-
Siphon Dam #2 (mg/l)	1164	1369	-	801	-



Siphon Dam #3 (mg/l)	1610	836	-	-	-
Siphon Dam #4 (mg/l)	2060	2660	1534	1111	1111

21. Riley Run Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to Riley Run Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XLVIII**  
**ARNOLD UNIT DISPOSAL LINE**  
**IEMA Incident #2012-0713**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLVIII.

18. On or about July 13, 2012, Petco discharged approximately thirty barrels of salt water when a collar cracked on the six-inch Arnold Unit transite disposal pipeline in or near St. Elmo, Illinois when it was being pigged. The salt water traveled approximately 800 feet, across the ground and into a dry unnamed creek, contaminating an area of approximately 11,750 square feet. The release was located in an area with high potential for groundwater recharge, putting nearby private drinking wells at risk.

19. Petco tested the surface water at the site of the release and at a large hole in the unnamed creek on July 13, 2012 and July 15, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>7/13/12</b>	<b>7/15/12</b>
Release Site	2774 mg/l	619 mg/l

Creek Hole	801 mg/l	-
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20. By causing or allowing salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the unnamed creek and groundwater, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT XLIX**  
**LOUDON #22 C-7 INJECTION WELL**  
**IEMA Incident #2012-0823**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count XLIX.

18. On or about August 8, 2012, Petco discharged approximately fifty barrels of salt water when a bull plug was removed and a one-quarter inch bleeder valve opened at injection well #22C7 in or near St. Elmo, Illinois, purportedly due to vandalism. The release traveled approximately 1800 yards in Wolf Creek, a tributary to Big Creek, contaminating an area of approximately 30,000 square feet.

19. On August 8, 2012, Petco tested the surface water at the site of the release and downstream with results of 1415 mg/l and 871 mg/l of chloride, respectively.

20. On August 9, 2012, Petco tested the water at the site of the release with results of 586 mg/l of chloride and 619 mg/l of chloride.

21. Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and

thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT L**  
**ROCK QUARRY INJECTION PIPELINE**  
**IEMA Incident #2012-0836**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count L.

18. On or about August 12, 2012, Petco discharged approximately 150 barrels of salt water from the Rock Quarry injection pipeline in or near St. Elmo, Illinois, when the six-inch injection line separated at a "T" connection. The release traveled in a ditch, with a small amount entering the Rock Quarry pond.

19. The quarry pond is a "water" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to the quarry pond, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LI**  
**KATIE OWENS PIT**  
**IEMA Incident #2012-0956**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LI.

18. On or about September 10, 2012, Petco discharged approximately five barrels of crude oil and twenty barrels of salt water into Big Creek when Petco lost electrical power at the Katie Owens cement containment pit in or near St. Elmo, Illinois, and the pit overflowed. The release traveled approximately one-eighth of a mile, from a ditch into Big Creek.

19. On September 10, 2012, Petco constructed one dam at the mouth of the ditch serving Big Creek and deployed three booms in Big Creek to contain oil. Seven vacuum trucks were recovering liquids and one boat was skimming oil from the creek.

20. On September 11, 2012, Petco continued to use trucks to recover liquids and one boat crew, which was blowing oil to the booms for collection.

21. On September 12, 2012, Petco reported its plan to continue working at the creek, due to the ongoing presence of a haze on the surface of the water caused by the crude oil discharge.

22. Big Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By discharging crude oil so as to visibly impair Big Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By discharging visible oil into the ditch that entered Big Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Big Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LII**

**J.G. MAIN #P15**

**IEMA Incident #2012-1222**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LII.

18. On or about November 20, 2012, Petco discharged approximately fifty barrels of crude oil and eighty barrels of salt water into an unnamed creek from a broken two-inch PVC flowline that was underwater across the bottom of the creek in or near St. Elmo, Illinois. The release was reported to Petco and IEPA by a citizen and detected by Petco on November 21, 2012, by which time it had traveled approximately one-quarter mile, so that the leading edge of the release was found at the Emery Hopper #1 well.

19. On November 26, 2012, IEPA inspected the site. On that date, Petco had constructed four siphon dams in the creek, two of which were safety dams, and three vacuum trucks were flushing and recovering crude oil and salt water. Petco was having difficulty migrating

the crude oil to the collection points and flushing the salt water due to leaves and other vegetation in the creek and estimated it would take another week to fully remediate.

20. On November 26, 2012, IEPA tested the surface water in the creek at siphon dam #1 with a result of 2629 mg/l of chloride and at siphon dam #2, at the end of the spill, with a result of 582 mg/l. Petco tested surface water at the first two siphon dams from November 22, 2012 through November 26, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>LOCATION</b>	<b>11/21/12</b>	<b>11/22/12</b>	<b>11/23/12</b>	<b>11/24/12</b>	<b>11/25/12</b>	<b>11/26/12</b>
Siphon Dam #1 (mg/l)	6110	4839	6110	4839	4346	1638
Siphon Dam #2 (mg/l)	-	2475	1099	556	506	727

22. Petco tested surface water at siphon dam #1 from November 27, 2012 through December 2, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>11/27/12</b>	<b>11/28/12</b>	<b>11/29/12</b>	<b>11/30/12</b>	<b>12/1/12</b>	<b>12/2/12</b>
2273 mg/l	2273 mg/l	1638 mg/l	1512 mg/l	1512 mg/l	747 mg/l

23. Petco tested surface water at siphon dam #1 from December 3, 2012 through December 7, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>12/3/12</b>	<b>12/4/12</b>	<b>12/5/12</b>	<b>12/6/12</b>	<b>12/7/12</b>
934 mg/l	-	934 mg/l	791 mg/l	506 mg/l

24. From November 27, 2012 through December 13, 2012, Petco continued to use two to three vacuum trucks to flush and recover liquids and a crew of four to six men to puddle crude oil to siphon dam #1 and bag debris.

25. The unnamed creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

26. By discharging crude oil so as to visibly impair the unnamed creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

28. By discharging visible oil into the unnamed creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

29. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LIII**  
**T.C. CLOW DISPOSAL LINE**  
**IEMA Incident #2012-1272**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LIII.

18. On or about December 11, 2012, Petco discharged approximately twenty barrels of crude oil and 300 barrels of salt water from a hole in a six-inch steel spool where steel and

plastic sections of the T.C. Clow disposal line met in or near St. Elmo, Illinois. The crude oil was contained in a pasture, but the salt water traveled through the pasture and entered Little Creek.

19. On December 12, 2012, Petco limed the soil at the release site and six vacuum trucks were recovering salt water from Little Creek. Petco tested surface water at the Hobbs Low Water Bridge with a result of 800 mg/l of chloride.

20. Petco tested surface water at the Hobbs Low Water Bridge from December 13, 2012 through December 15, 2012, with chloride concentrations exceeding 500 mg/l as follows:

<b>12/13/12</b>	<b>12/14/12</b>	<b>12/15/12</b>
934 mg/l	791 mg/l	727 mg/l

21. Little Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Big Creek and its tributary, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).



**COUNT LIV**  
**MARY WILLIAMS PUMP OVERLINE LEASE**  
**IEEMA Incident #2013-0110**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LIV.

18. On or about February 4, 2013, Petco discharged approximately fifty barrels of crude oil and 200 barrels of salt water when a three-inch fiberglass/steel pump changeover leaked from the header to the tank battery on the Mary Williams Pump Overline Lease in or near St. Elmo, Illinois—the same general area containing private drinking water wells as a release that occurred in August 2012—and traveled one-half mile in a tributary to Big Creek.

19. On February 5, 2013, IEPA visited the site. Petco had constructed two siphon dams in the tributary and placed four sets of booms between siphon dams. Six vacuum trucks were recovering crude oil and salt water and flushing the tributary with fresh water. A small crew was utilizing absorbent pads between the two siphon dams.

20. Early in the morning of February 5, 2013, Petco tested the water at each siphon dam, with results of 3235 mg/l of chloride at siphon dam #1 and 4839 mg/l of chloride at siphon dam #2.

21. On February 5, 2013, IEPA tested the water at each siphon dam, with results of 2614 mg/l of chloride at siphon dam #1 and 3149 mg/l of chloride at siphon dam #2.

22. On February 6, 2013, Petco was washing crude oil from the release down to siphon dam #1. Five vacuum trucks were recovering crude oil and salt water and flushing the tributary with fresh water. Petco tested the water at each siphon dam, with results of 1099 mg/l of chloride at siphon dam #1 and 1775 mg/l of chloride at siphon dam #2.

23. On February 7, 2013, six vacuum trucks were recovering crude oil and salt water and flushing the tributary with fresh water. Clean-up crew members were attempting to recover the remaining oil between the two siphon dams before an impending rainfall. Petco tested the water at each siphon dam, with results of 1014 mg/l of chloride at siphon dam #1 and 1512 mg/l at siphon dam #2.

24. On February 8, 2013, four vacuum trucks were recovering crude oil and flushing the tributary with fresh water. Petco tested the water at each siphon dam, with results of 666 mg/l of chloride at siphon dam #1 and 727 mg/l of chloride at siphon dam #2.

25. On February 9, 2013, Petco tested the water at siphon dam #1, with a result of 506 mg/l of chloride.

26. On February 10, 2012, heavy rains washed out the two siphon dams. The river boom placed in Big Creek was collecting oil scum. Three vacuum trucks were recovering oil and a crew was washing the river bank.

27. Petco continued to remediate the spill site until February 18, 2013, when all oil was cleaned up and Petco tested the surface water in the tributary with chloride results under 500 mg/l.

28. Big Creek and its tributary are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

29. By discharging crude oil so as to visibly impair the tributary and Big Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

30. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

31. By discharging visible oil into the tributary and Big Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

32. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LV**  
**MARY WILLIAMS #1 WELL**  
**IEMA Incident #2013-0244**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LV.

18. On or about March 13, 2013, Petco discharged approximately one barrel of crude oil and five barrels of salt water to a private pond containing fish when a stuffing box ruptured on the Mary Williams #1 well in or near St. Elmo, Illinois.

19. On or about March 13, 2013, Petco boomed the private pond and skimmed oil from the pond surface.

20. The pond is a "water" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to visibly impair the pond, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into the pond, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LVI**  
**ROCK QUARRY INJECTION PLANT FLOWLINE**  
**IEMA Incident #2013-0309**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LVI.

18. On or about March 30, 2013, Petco discharged approximately 100 barrels of salt water into Riley Run Creek when a three-inch fiberglass flowline that feeds the Rock Quarry Injection Plant pulled out at a "T" connection on the Mary Dunaway Lease in or near St. Elmo, Illinois. The spill traveled approximately 1800 feet in Riley Run Creek.

19. On March 30, 2013, Petco constructed a siphon dam at the leading edge of the release, approximately one-quarter of a mile downstream, and six vacuum trucks were recovering salt water. Petco tested the surface water upstream of the siphon dam with a result of 800 mg/l of chloride.

20. Riley Run Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LVII**  
**BIRDIE KIMBRELL #3 FLOWLINE**  
**IEMA Incident #2013-0436**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LVII.

18. On or about April 23, 2013, Petco discharged approximately ten barrels of crude oil and thirty barrels of salt water into Wolf Creek when high surface waters tore a tree free of the creek bank and carried it over a two-inch flowline serving the Birdie Kimbrell #3 well in or near St. Elmo, Illinois. When the creek receded, the tree dropped onto and broke the flowline at the creek crossing. The release traveled approximately one-tenth of a mile in Wolf Creek, a tributary to Big Creek.

19. On April 23, 2013, it was raining. Petco recovered approximately 98% of the spill by deploying river boom, and utilizing both a boat to migrate the crude oil to a recovery point, and two vacuum trucks to skim and recover crude oil.

20. On April 24, 2012, the rain caused the creek to breach the river booms.

21. Wolf Creek and Big Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging crude oil so as to visibly impair Wolf Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By discharging visible oil into Wolf Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LVIII**

**IVA MILLER #2 WELL**

**IEMA Incident #2013-0498**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LVIII.

18. On or about May 3, 2013, Petco discharged approximately ten barrels of crude oil from the Iva Miller #2 well in or near St. Elmo, Illinois when a Petco employee forgot to close the valve. The release was approximately one foot wide and traveled approximately one-tenth of a mile in an unnamed creek until it collected in a pond located in a pasture.

19. On May 3, 2013, Petco deployed two sets of booms and pads downstream of the release and constructed one siphon dam at the pond. One vacuum truck recovered oil from the well site and one vacuum truck recovered oil from the creek.

20. From May 4, 2013 through May 6, 2013, Petco personnel and one vacuum truck skimmed crude oil from the creek.

21. The unnamed creek and the pond are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging crude oil so as to visibly impair the creek and pond, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By discharging visible oil into the creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LIX**  
**ROBERT MCCLOY #8 FLOWLINE**  
**IEMA Incident #2013-0536**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LIX.

18. On or about May 9, 2013, Petco discharged approximately two barrels of crude oil and twenty barrels of salt water when the Robert McCloy #8 flowline ruptured near St. Elmo,

Illinois, due to a cracked polyline fuse at the weld. The release traveled approximately one-third of a mile, going over a hillside and entering a small creek that serves as a tributary to Riley Run Creek.

19. On May 9, 2013, Petco deployed booms and pads and constructed one siphon dam in the creek at the head of Riley Run Creek, but heavy rains washed out the dam. Two vacuum trucks were recovering released fluids.

20. On May 10, 2013, Petco replaced the dam at the head of Riley Run Creek, which was running bank full.

21. On May 13, 2013, Petco still had approximately 500 feet of oiled vegetation to clean up within the creek.

22. On May 14, 2013, IEPA performed a site inspection, and observed scum from the discharge collected by the siphon dam.

23. The creek and Riley Run Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging crude oil so as to visibly impair the creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By discharging visible oil into the creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).



26. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LX**  
**LEMUEL LILLY TANK BATTERY**  
**IEMA Incident #2013-0537**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LX.

18. On or about May 9, 2013, Petco discharged approximately thirty to fifty barrels of crude oil when the Lam Lilly tank battery lost power and overflowed near St. Elmo, Illinois. None of the alarms worked so the crude oil tank continued to fill and overflow into the containment berm. The oil breached the berm, travelled down a hill and then entered a tributary to Little Moccasin Creek. Approximately one barrel of crude oil entered Little Moccasin Creek, which was running bank full.

19. On May 9 2013, Petco deployed river booms in Little Moccasin Creek and four sets of absorbent booms and pads in the tributary. Five vacuum trucks and a crew of seven recovered approximately 80% of the oil from the tributary.

20. On May 10, 2013, two vacuum trucks and a crew of fifteen continued to recover oil from the tributary. Little Moccasin Creek continued to run bank full and washed away Petco's river booms.

21. On May 13, 2013, all free-product was recovered, but Petco still had approximately 300 feet of oiled vegetation and wood debris to cleanup within the tributary.

22. Little Moccasin Creek and its tributary are "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

23. By discharging crude oil so as to visibly impair the tributary and Little Moccasin Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By discharging visible oil into the tributary, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**COUNT LXI**  
**ADA CLOW SUMP**  
**IEMA Incident #2013-0586**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXI.

18. On or about May 17, 2013, Petco discharged approximately 500 barrels of salt water when a six-inch PVC collar line that pumps from the Ada Clow sump to the Main Line injection station broke in or near St. Elmo, Illinois. The release traveled one-quarter of a mile in a tributary before entering Wolf Creek.

19. On May 17, 2013, Petco constructed two earthen dams in the tributary and five vacuum trucks were recovering salt water.

20. On May 19, 2013, the ditch was dried up between the two earthen dams and Petco had recovered approximately 80% of the salt water. Petco tested the water at the release point with a result of 2742 mg/l of chloride.

21. On May 20, 2013, Petco tested the surface water, and detected chloride levels at the release point of 1922 mg/l.

22. On May 21, 2013, after a rainfall event, Petco reported its plans to place oily debris in a dumpster for disposal at a landfill.

23. Wolf Creek and its tributary are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging salt water into a water of the State so that such waters exceed 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing or allowing salt water to be deposited upon the land in such place and manner so as to create a water pollution hazard through its proximity to Big Creek and its tributary, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXII**  
**J.G. MAIN #4 WELL**  
**IEMA Incident #2013-0615**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXII.

18. On or about May 28, 2013, Petco discharged approximately 5 barrels of crude oil from the J.G. Main #4 production well in or near St. Elmo, Fayette County, Illinois, caused by mechanical malfunction and human error when the well filled up and the wellhead leaked, due to an improperly affixed ring. The release traveled across ground for roughly 1/8 of a mile in a ditch, thereafter entering Little Moccasin Creek and traveling an additional 300 feet, contaminating a total area of approximately 13,350 square feet.

19. On May 28, 2013, Petco dammed up the ditch, installed a flume, deployed booms, and skimmed oil off the water in Little Moccasin Creek. Additional remediation was still needed at that time.

20. Little Moccasin Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

21. By discharging crude oil so as to cause visible oil to be present in Little Moccasin Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By discharging visible oil into Little Moccasin Creek, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing crude oil to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to Little Moccasin Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXIII**  
**ROY MILLER DISPOSAL LINE**  
**IEMA Incident #2013-0926**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXIII.

18. On or about August 20, 2013, Petco discharged approximately 300 barrels of salt water from the Roy Miller disposal line near St. Elmo, Fayette County, Illinois due to a mechanical malfunction, when the eight-inch transite disposal line broke at the O-Ring Collar in the drainage way, thereby discharging salt water into an unnamed tributary to Wolf Creek, which ultimately flowed into Wolf Creek, contaminating an area of approximately 8,080 square feet over land.

19. On or about August 20, 2013, Petco responded by damming the unnamed tributary to Wolf Creek and vacuuming fluids to the degree possible with six vacuum trucks, and beginning a series of remediation efforts. Chloride levels were reported between 1,700 mg/l and 1,800 mg/l.

20. On August 21, 2013, IEPA conducted a site inspection. Upon testing for chloride levels at the newly-erected earthen dam, IEPA detected 6,356 mg/l, while Petco detected 6,110 mg/l.

21. Petco tested the impacted area from August 22, 2013 through August 26, 2013, with chloride concentrations exceeding 500 mg/l as follows:

<b>Date</b>	8/22/13	8/23/13	8/24/13	8/25/13	8/26/13
<b>Chloride Concentration (mg/l)</b>	6,110	3,556	3,298	3,003	2,742

22. On August 27, 2013, IEPA conducted a site inspection. Upon testing for chloride levels at the earthen dam, IEPA detected 1,172 mg/l, while Petco detected 797 mg/l.

23. On August 28, 2013, Petco reported chloride levels at the earthen dam at 934 mg/l.

24. On August 29, 2013, IEPA conducted a site inspection. IEPA tested for chloride levels, detecting chloride at 2,022 mg/l. Petco similarly tested chloride levels, detecting chloride at 1,792 mg/l. A representative of Petco likewise referenced a chloride level test earlier that same day as registering at 1,014 mg/l.

25. On September 3, 2013, IEPA documented chloride levels at the earthen dam at 1,086 mg/l, while Petco documented chloride levels at 1,107 mg/l earlier that same day.

26. On September 4, 2013, Petco reported chloride levels at 1,299 mg/l.

27. Petco tested the impacted area from September 9, 2013 through September 12, 2013, with chloride concentrations exceeding 500 mg/l as follows:

<b>Date</b>	9/9/13	9/10/13	9/11/13	9/12/13
<b>Chloride Concentration (mg/l)</b>	861	861	727	556

28. By discharging salt water into a water of the State so that such water exceeds 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

29. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

30. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the unnamed tributary to Wolf Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXIV**  
**M.E. HOGAN DISPOSAL LINE**  
**IEMA Incident #2013-0956**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXIV.

18. On or about August 27, 2013, Petco discharged approximately 250 barrels of salt water from the M.E. Hogan six-inch PVC disposal line, which leads from the M.E. Hogan tank battery to the Mae Durbin sump, near St. Elmo, Fayette County, Illinois, due to a mechanical malfunction. The M.E. Hogan disposal line crosses Wolf Creek; when it cracked, the salt water that it released was discharged into Wolf Creek.

19. On August 29, 2013, IEPA conducted a site inspection. During the inspection, a representative of Petco commented that, previously, he had seen minnows swimming in Wolf Creek. IEPA did not observe any minnows swimming in Wolf Creek. When IEPA sampled for chloride, it detected chloride levels at 3,149 mg/l in Wolf Creek. Petco reported chloride levels at 2,700 mg/l.

20. On August 30, 2013, Petco reported chloride levels in Wolf Creek measuring 2,091 mg/l.

21. On August 31, 2013, Petco reported chloride levels in Wolf Creek measuring 1,775 mg/l.

22. On September 3, 2013, IEPA conducted a site inspection. When IEPA sampled for chloride, it detected chloride levels at 2,022 mg/l in Wolf Creek. Petco reported chloride levels in Wolf Creek measuring 1,199 mg/l.

23. Petco tested the impacted area from September 4, 2013 through September 12, 2013, with chloride concentrations exceeding 500 mg/l as follows:

<b>Date</b>	9/4/13	9/5/13	9/6/13	9/7/13	9/8/13
<b>Chloride Concentration (mg/l)</b>	1,089	2,273	1,099	934	934

<b>Date</b>	9/9/13	9/10/13	9/11/13	9/12/13
<b>Chloride Concentration (mg/l)</b>	666	1,014	861	727

24. On September 16, 2013, Petco reported chloride levels in Wolf Creek measuring 607 mg/l.

25. On September 17, 2013, Petco reported chloride levels in Wolf Creek measuring 609 mg/l.

26. Wolf Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

27. By discharging salt water into a water of the State so that such water exceeds 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in



Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

28. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

29. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to Wolf Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXV**  
**FIRST STATE BANK SUMP LINE**  
**IEMA Incident #2013-1371**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXV.

18. On or about December 31, 2013, Petco discharged sixty (60) barrels of salt water near St. Elmo, Fayette County, Illinois, from the First State Bank Sump Line, which is a transite flowline that crosses an intermittent stream, due to accidental causes after a tree fell on the line. The discharged salt water traveled approximately half a mile in the intermittent stream, and contaminated a total area of approximately 15,840 square feet.

19. On January 1, 2014, Petco reported chloride levels of 1,014 mg/l at the release point in the drainage way, while chloride levels at the dam installed to contain the discharge registered at 6,110 mg/l.

20. On January 2, 2014, Petco reported chloride levels of 934 mg/l at the release point in the drainage way, while chloride levels at the dam installed to contain the discharge remained at 6,110 mg/l.

21. The intermittent stream is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

22. By discharging salt water into a water of the State so that such water exceeds 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

24. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the intermittent stream, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXVI**  
**ED HARPER SUMP TANK BATTERY**  
**IEMA Incident #2014-0226**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXVI.

18. On or about February 26, 2014, Petco discharged ten (10) barrels of crude oil and ten (10) barrels of salt water from the Ed Harper Sump Tank Battery near St. Elmo, Fayette County,

Illinois, due to human error and mechanical malfunction, when a sump line malfunctioned, thereby causing crude oil to overflow the tank battery dike. The discharged crude oil and salt water traveled approximately one-sixteenth of a mile, running onto an intermittent stream tributary to the Brickyard Branch of the South Kaskaskia River, which was frozen, and covering approximately 6,350 square feet.

19. The unnamed waterway and the Brickyard Branch of the South Kaskaskia River are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By discharging crude oil so as to cause visible oil to be present on the unnamed waterway, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By discharging visible oil into the unnamed waterway, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By causing, allowing or threatening the discharge of crude oil to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing or allowing crude oil to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the unnamed waterway, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXVII**  
**ARNOLD UNIT #1**  
**IEMA Incident #2014-0237**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXVII.

18. On February 28, 2014, Petco discharged three (3) barrels of crude oil and approximately two hundred (200) barrels of salt water from the Arnold Unit #1 near St. Elmo, Fayette County, Illinois, due to a mechanical malfunction, when a fiberglass flow line over a creek crossing collapsed and broke. The discharged crude oil and salt water impacted approximately 17,500 square feet over land, and traveled approximately half a mile in the South Fork Kaskaskia River.

19. The South Fork Kaskaskia River is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the South Fork Kaskaskia River, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXVIII**  
**FIRST STATE BANK PUMP OVERLINE**  
**IEMA Incident #2014-0442**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXVIII.

18. On April 20, 2014, Petco discharged forty (40) barrels of crude oil and one hundred (100) barrels of salt water from the First State Bank Pump Overline near Beecher City, Fayette County, Illinois, when the line cracked due to corrosion near the dresser sleeve and discharged into an unnamed tributary and Hog Creek. The discharged crude oil and salt water traveled over an eighth of a mile in the unnamed tributary and Hog Creek, impacting approximately 8,000 square feet of the intermittent stream.

19. On or around April 21, 2014, IEPA conducted a site inspection. When IEPA sampled for chloride at the siphon dam in the intermittent stream, it detected chloride levels at 6,698 mg/l or higher. Streaks of crude oil and sheen were visible in Hog Creek.

24. The unnamed tributary and Hog Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

25. By discharging salt water into a water of the State so that such water exceeds 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By discharging crude oil so as to cause visible oil and sheen to be present in Hog Creek, Respondent caused offensive conditions in waters of the State in violation of Section

302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By discharging visible oil into the unnamed waterway, Respondent caused offensive discharges in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

28. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

29. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to Hog Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXIX**  
**ARNOLD UNIT DISPOSAL LINE**  
**IEMA Incident #2014-0634**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXIX.

18. On or about June 5, 2014, Petco discharged approximately two hundred (200) to three hundred (300) barrels of salt water from the Arnold Unit Disposal Line near St. Elmo, Fayette County, Illinois, when the line ruptured due to a mechanical malfunction at the crossing of an unnamed creek, which is a tributary to the South Fork Kaskaskia River. The black, discharged salt water traveled at least one-eighth of a mile in an unnamed tributary to the South Fork Kaskaskia River, and an additional distance in the South Fork Kaskaskia River.

19. On June 5, 2014, Petco reported chloride levels in the unnamed tributary at 1,099 mg/l.

20. On June 7, 2014, Petco reported chloride levels at 1,512 mg/l at earthen dam #1, and chloride levels at 2,951 mg/l at earthen dam #2.

21. On June 7, 2014, Petco reported chloride levels at 1,190 mg/l at earthen dam #1, and chloride levels at 2,475 mg/l at earthen dam #2.

22. On June 9, 2014, Petco reported chloride levels at 1,014 mg/l at earthen dam #1, and chloride levels at 1,926 mg/l at earthen dam #2.

23. The unnamed tributary to the South Fork Kaskaskia River and the South Fork Kaskaskia River are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. By discharging salt water into a water of the State so that such water exceeds 500 mg/l of chloride, Respondent violated the water quality standard for chloride as established in Section 302.208(g) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.208(g), and thereby violated Section 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

25. By causing, allowing or threatening the discharge of salt water to a water of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

26. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the drainage way, Riley Run Creek and Big Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXX**  
**EDITH DURBIN SUMP LINE**  
**IEMA Incident #2014-0756**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXX.

18. On or about June 23, 2014, Petco discharged less than ten (10) barrels of crude oil and salt water from the Edith Durbin Sump Line near St. Elmo, Fayette County, Illinois, when a flowline cracked due to a mechanical malfunction and leaked into Little Creek. The discharge covered approximately 23,100 square feet over land, and traveled approximately half a mile in Little Creek. A small but noticeable sheen on the surface of the water was reported.

19. Little Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By discharging crude oil and salt water so as to cause a visible sheen to be present in Little Creek, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By discharging crude oil and salt water into Little Creek so as to cause a visible sheen, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).



26. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

27. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to Little Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXXI**  
**SARAH CLOW #5**  
**IEMA Incident #2014-0861**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXXI.

18. On or about July 23, 2014, Petco discharged approximately ten (10) barrels of crude oil and fifty (50) barrels of salt water from the Sarah Clow #5 near St. Elmo, Fayette County, Illinois, due to accidental causes when a flow line washed out of a hillside, cracked, and started leaking, entering an intermittent stream. The discharge traveled approximately one-eighth of a mile.

19. The intermittent stream is a "water" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of crude oil and salt water to a water of the State so as to cause or tend to cause water pollution in Illinois, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the intermittent stream, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXXII**  
**CYNTHIA HOPPER LEASE**  
**IEMA Incident #2014-0940**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXXII.

18. On or about August 12, 2014, Petco discharged approximately three hundred (300) to three hundred and fifty (350) barrels of salt water from the Cynthia Hopper Lease due to mechanical malfunction when a disposal line from a rock quarry blew apart. The discharged salt water covered approximately 1.5 acres over land, and traveled to a ditch, then into Moccasin Creek near St. Elmo, Fayette County, Illinois.

19. The ditch and Moccasin Creek are “waters” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By causing, allowing or threatening the discharge of salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate the Board’s regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By causing or allowing salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the ditch and Moccasin Creek, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**COUNT LXXIII**  
**ED HARPER SUMP**  
**IEMA Incident #2014-1013**

1-17. Complainant re-alleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein as paragraphs 1 through 17 of this Count LXXIII.

18. On or about September 2, 2014, Petco discharged approximately fifty (50) barrels of crude oil and one hundred (100) barrels of salt water from the Ed Harper Sump due to a mechanical malfunction when the tank battery and containment dikes overflowed near St. Elmo, Fayette County, Illinois, discharging into the South Fork Kaskaskia River. The discharged salt water covered approximately 14.5 acres over land, and a visible sheen extended in the water for approximately 2.5 miles.

19. The South Fork Kaskaskia River is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

20. By discharging crude oil and salt water so as to cause a visible sheen to be present on the surface of the South Fork Kaskaskia River, Respondent caused offensive conditions in waters of the State in violation of Section 302.203 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

21. By discharging visible crude oil and salt water into the South Fork Kaskaskia River, Respondent caused offensive discharges in violation of Section 304.106 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

22. By causing, allowing or threatening the discharge of crude oil and salt water to waters of the State so as to cause or tend to cause water pollution in Illinois and so as to violate

the Board's regulations or standards, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

23. By causing or allowing crude oil and salt water to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to the South Fork Kaskaskia River, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, PETCO PETROLEUM CORPORATION:

A. Authorizing a hearing in this matter at which time 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 \$50,000.00 for each violation of the Act and the Board's regulations, 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) (2020);

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) (2020); and

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

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/ Andrew Armstrong  
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Date: August 31, 2022

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**CERTIFICATE OF SERVICE**

I, Natalie Long, an Assistant Attorney General, certify that on the 31st day of August, 2022, I caused to be served the foregoing NOTICE OF FILING and COMPLAINANT'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT thereof on the parties named on the attached Service List, by email or electronic filing, as indicated on the attached Service List.

/s/ Natalie Long \_\_\_\_\_  
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