

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
LAWRENCE COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,	)	
<i>ex rel.</i> KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Plaintiff,	)	2024CH1
	)	
v.	)	No. 24-CH-
	)	
INDIAN LIBERTY LLC, a Florida limited	)	
liability company,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES**

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), complains of Defendant, INDIAN LIBERTY LLC, a Florida limited liability company, as follows:

**COUNT I**  
**SUBSTANTIAL ENDANGERMENT TO THE ENVIRONMENT**  
**AND TO PUBLIC HEALTH AND WELFARE**

1. This Count is brought on behalf of the People of the State of Illinois, *ex rel.* Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of Illinois EPA, pursuant to Section 43(a) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/43(a) (2022), and is an action to restrain a substantial danger to public health and welfare and to the environment.

2. Illinois EPA is an administrative agency of the State of Illinois, created by Section 4 of the Act, 415 ILCS 5/4 (2022), and charged, *inter alia*, with the duty of enforcing the Act.

3. Defendant, INDIAN LIBERTY LLC, at all times relevant to this Verified Complaint, was and is a Florida limited liability company registered to do business in the State of Illinois and in good standing with the Illinois Secretary of State.

4. Defendant owns and/or operates multiple oil production facilities, including the facility known as the Boyd Facility, located at 6632 Petrolia Lane, Petrolia, Lawrence County, Illinois, on the southwest corner of Petrolia Lane and Lewis Road. Defendant's activities at the Boyd Facility include, *inter alia*, operation of an oilfield tank battery.

5. On information and belief, Defendant extracts a mixture of oil and saltwater brine from approximately 62 oil wells and pumps such mixture to the Boyd Facility, where it is separated by density in an oil/water separation pit. The oil/water separation pit is a square-shaped, open excavated pit measuring approximately 140 feet on each side. In the oil/water separation pit, heavier saltwater brine sinks to the bottom, and Defendant pumps the separated saltwater brine via a pipeline from the Boyd Facility to an underground injection site located approximately 1.5 miles away. Defendant stores and/or transports the separated oil for further processing. In the normal course of operations at the Boyd Facility, the oil/water separation pit is to have at least 6 feet of adequate freeboard to prevent overflows.

6. The Boyd Facility is bordered to the east by a roadside ditch ("Roadside Ditch") that drains northward—parallel to Lewis Road and through culverts underneath Petrolia Lane—into an unnamed tributary of Muddy Creek. In turn, Muddy Creek flows into the Embarras River, and the Embarras River flows into the Wabash River.

7. On or about March 15, 2024, the oil/water separation pit at the Boyd Facility

overflowed, releasing a mixture of crude oil and saltwater brine that flowed into the Roadside Ditch and discharged into surface waters (the “Release”).

8. On March 15, 2024, the Illinois Emergency Management Agency (“IEMA”) received two reports regarding a possible oil spill in the Embarras River. On March 16, 2024, IEMA received a third report submitted by Defendant. In such report, Defendant notified IEMA that at least 250 barrels of crude oil and 1,000 barrels of saltwater brine were released from the Boyd Facility after the oil/water separation pit overflowed due to rain. Upon receipt of each report, IEMA notified Illinois EPA’s Office of Emergency Response (“OER”).

9. On March 15, 2024, an Illinois EPA OER inspector conducted an inspection of the Boyd Facility and downstream surface waters. The oil/water separation pit had approximately one inch of freeboard. Oil and saltwater brine had overtopped the oil/water separation pit and flowed offsite. Paths of oil and saltwater brine exited the eastern and northern perimeter of the oil/water separation pit and flowed overland east and northeast, respectively, into the Roadside Ditch. The path of oil and saltwater brine continued northward in the Roadside Ditch, crossed through culverts underneath Petrolia Lane, and entered an unnamed tributary of Muddy Creek. Crude oil and oil sheen were visible on the surface of the Embarras River at Billet Road, located approximately 11 miles downstream from where Muddy Creek joins the Embarras River and approximately 1.5 miles upstream of where the Embarras River joins the Wabash River. Defendant and/or contractors hired by Defendant had installed booms at this location to try to prevent oil from migrating further downstream and into the Wabash River.

10. On March 15, 2024, Defendant and/or contractors hired by Defendant were taking, or preparing to take, remedial actions to try to contain and clean up the Release, including placement and maintenance of booms in impacted surface waters and the staging and operation of

vacuum trucks to remove oil and saltwater brine.

11. On March 16, 2024, the Illinois EPA OER inspector and an Illinois EPA Field Operations Section (“FOS”) inspector conducted an inspection of the Boyd Facility and downstream surface waters. The oil/water separation pit had approximately one inch of freeboard. Two pumps were visible lying on the ground next to a transfer tank. An employee of Defendant informed the Illinois EPA inspectors that the pump, which is used to pump saltwater brine from the transfer tank to the underground injection site, had been replaced twice since March 13, 2024. Pools of oil were visible on the ground at the Boyd Facility in areas north and west of the oil/water separation pit. Crude oil and oil sheen were visible in surface waters, including in Muddy Creek at Bridgeport Road and in the Embarras River at Kiwanas Park in Lawrenceville, Illinois. Crude oil was flowing over the furthest downstream boom installed by Defendant and/or contractors hired by Defendant in the Embarras River at Billet Road. After this was pointed out by the Illinois EPA OER inspector, Defendant and/or contractors hired by Defendant confirmed they had plans to readjust the angle and height of the booms as well as install containment booms with a longer “skirt” in an attempt to prevent more crude oil from migrating downstream toward the Wabash River. On information and belief, oil sheen was visible in the Wabash River at the Wabash Cannonball Bridge near Saint Francisville, Illinois.

12. On March 16, 2024, Defendant and/or contractors hired by Defendant continued conducting remedial actions to contain and clean up the Release, including placement and maintenance of booms in impacted surface waters, installation of a siphon dam in the Roadside Ditch, and operation of vacuum trucks at the Roadside Ditch, Muddy Creek, and the Embarras River.

13. On March 18, 2024, the Illinois EPA OER inspector conducted an inspection of the

Boyd Facility and downstream surface waters. Crude oil and oil sheen were visible in the unnamed tributary of Muddy Creek, and oil sheen was visible in Muddy Creek at Bridgeport Road.

14. On March 18, 2024, Defendant and/or contractors hired by Defendant continued conducting remedial actions to contain and clean up the Release, including placement and maintenance of booms in impacted surface waters, operation of vacuum trucks, removal of contaminated vegetation from banks of surface waters, and excavation of contaminated soils.

15. Section 43(a) of the Act, 415 ILCS 5/43(a) (2022), provides as follows:

- a) In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons where such danger is to the livelihood of such persons, the State's Attorney or Attorney General, upon request of the Agency or on his own motion, may institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or to require such other action as may be necessary. The court may issue an ex parte order and shall schedule a hearing on the matter not later than 3 working days from the date of injunction.

16. The Release constitutes a substantial danger to the environment and to the public health and welfare of residents in areas surrounding and downstream of the Boyd Facility. Contamination from crude oil and saltwater brine continue to exist in soils near the Boyd Facility, in downstream surface waters, and on the banks of such surface waters. Without an adequate and expeditious response by Defendant, released crude oil and saltwater brine may leach into soils and groundwater and/or contaminate surface waters further downstream, and additional crude oil and saltwater brine releases may occur at the Boyd Facility.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant an immediate and preliminary injunction and, after trial, a permanent

injunction in favor of the Plaintiff and against Defendant, INDIAN LIBERTY LLC, on this Court

I, as follows:

A. Finding that the Defendant has created and is maintaining a substantial danger to the environment and to the public health and welfare;

B. Enjoining the Defendant from creating any further substantial endangerment pursuant to Section 43(a) of the Act, 415 ILCS 5/43(a) (2022);

C. Entering an immediate injunction ordering the Defendant to:

1. Investigate and identify the extent of contamination from the Release in all environmental media, including but not limited to soils, groundwater, and surface waters;
2. Investigate and identify all factors that caused or contributed to the Release and take all steps, including but not limited to physical improvements to the Boyd Facility, necessary to prevent the reoccurrence of a release;
3. Install and/or maintain containment and adsorbent booms in the Embarras River, Muddy Creek, and the unnamed tributary of Muddy Creek necessary to prevent oil from migrating further downstream and into the Wabash River.
4. Stage and/or operate vacuum trucks to remove and collect free crude oil and saltwater brine from land and water locations impacted by the Release;
5. Maintain siphon dams installed by Defendant in the Roadside Ditch and/or the unnamed tributary of Muddy Creek;
6. Remove any vegetation and excavate any soils contaminated by the Release;
7. Dispose of vegetation, soils, and other materials contaminated by the Release at a disposal facility permitted to dispose of such wastes and provide receipts to Plaintiff documenting such disposal;
8. Monitor the Boyd Facility and all areas impacted by the Release following any precipitation event, and take all steps, including improvements to the Boyd Facility, necessary to prevent further release or migration of contaminants; and

9. Continue implementing each remedial activity until cessation of such activity is approved by Illinois EPA.

D. Granting such other relief as this Court deems equitable and just.

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

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, pursuant to Sections 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2022).

2-16. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 16 of Count I as paragraphs 2 through 16 of this Count II.

17. Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), 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.

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

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

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

20. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides as follows:

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

21. Crude oil and saltwater brine are each a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

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

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

23. Section 3.550 of the Act, 415 ILCS 5/3.550 (2022), provides as follows:

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

24. The Embarras River, Muddy Creek, the unnamed tributary of Muddy Creek, the Roadside Ditch, and area groundwaters constitute “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2022).

25. The Release created or was likely to create a nuisance, or rendered or was likely to render waters of the State harmful or detrimental or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, and therefore constitutes “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2022).

26. Beginning on or before March 15, 2024, and continuing through at least the date of the filing of this Verified Complaint, Defendant caused, threatened, or allowed the discharge of contaminants into waters of the State so as to cause or tend to cause water pollution in Illinois, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

27. Violations of the pertinent environmental statutes and regulations will continue



unless and until this Court grants equitable relief in the form of an immediate and, after trial, permanent injunction.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of the Plaintiff and against the Defendant, INDIAN LIBERTY LLC, on Count II:

A. Finding that the Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

B. Enjoining the Defendant from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

C. Ordering the Defendant to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), including, but not limited to, installation and maintenance of containment and adsorbent booms, operation of vacuum trucks, maintenance of siphon dams, removal and permitted disposal of contaminated vegetation and soils, monitoring of Defendant's facility for additional releases and migration of contaminants following any precipitation event, and taking all steps necessary to prevent further releases of crude oil and saltwater brine from the Boyd Facility;

D. Assessing against the Defendant a civil penalty of \$50,000.00 for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and an additional civil penalty of \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Ordering the Defendant to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

**COUNT III**  
**WATER POLLUTION HAZARD**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, pursuant to Sections 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2022).

2-24. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 16 of Count I and paragraphs 18 through 25 of Count II as paragraphs 2 through 24 of this Count III.

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

No person shall:

\* \* \*

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

26. On or before March 15, 2024, Defendant deposited crude oil and saltwater brine upon the land in such place and manner so as to create a water pollution hazard, and thereby violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022).

27. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of an immediate and, after trial, permanent injunction.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of the Plaintiff and against the Defendant, INDIAN LIBERTY LLC on Count III:

A. Finding that the Defendant violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

B. Enjoining the Defendant from further violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

C. Ordering the Defendant to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), including, but not limited to, installation and maintenance of containment and adsorbent booms, operation of vacuum trucks, maintenance of siphon dams, removal and permitted disposal of contaminated vegetation and soils, monitoring of Defendant's facility for additional releases and migration of contaminants following any precipitation event, and taking all steps necessary to prevent further releases of crude oil and saltwater brine from the Boyd Facility;

D. Assessing against the Defendant a civil penalty of \$50,000.00 for each violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), and an additional civil penalty of \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Ordering the Defendant to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

**COUNT IV**  
**VIOLATION OF WATER QUALITY STANDARDS**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, pursuant to Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (2022).

2-25. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 16 of Count I and paragraphs 17 through 25 of Count II as paragraphs 2 through 25 of this Count IV.

26. Section 302.201 of the Illinois Pollution Control Board (“Board”) regulations, 35

Ill. Adm. Code 302.201, provides as follows:

Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (Section 303.201).

27. The Embarras River, Muddy Creek, the unnamed tributary of Muddy Creek, and the roadside ditch are waters of the State for which there is no specific designation.

28. Section 301.275 of the Board’s regulations, 35 Ill. Adm. Code 301.275, provides, in pertinent part, as follows:

“Effluent” means any wastewater discharged, directly or indirectly, to the waters of the State or to any storm sewer, . . .

29. Section 301.425 of the Board’s regulations, 35 Ill. Adm. Code 301.425, provides as follows:

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

30. Crude oil and saltwater brine are “wastewater,” as that term is defined in Section 301.425 of the Board’s regulations, 35 Ill. Adm. Code 301.425.

31. Defendant’s discharge of crude oil and saltwater brine to waters of the State is “effluent,” as that term is defined in Section 301.275 of the Board’s regulations, 35 Ill. Adm. Code 301.275.

32. Section 302.203 of the Board’s regulations, 35 Ill. Adm. Code 302.203, provides, in pertinent part, 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. . . .

33. Section 304.105 of the Board's regulations, 35 Ill. Adm. Code 304.105, provides, in pertinent part, as follows:

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

34. Beginning on or before March 15, 2024, and continuing through at least the date of the filing of this Verified Complaint, Defendant discharged crude oil and saltwater brine that caused color and turbidity of other than natural origin and visible oil to accrue in waters of the State, and thereby caused an offensive condition prohibited by Section 302.203 of the Board's regulations, 35 Ill. Adm. Code 302.203.

35. By discharging effluent that caused violations of water quality standards, Defendant violated Section 304.105 of the Board's regulations, 35 Ill. Adm. Code 304.105.

36. By causing, threatening, or allowing the discharge of a contaminant into the environment so as to violate Sections 302.203 and 304.105 of the Board's regulations, 35 Ill. Am. Code 302.203 and 304.105, Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

37. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of an immediate and, after trial, permanent injunction.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of the Plaintiff and against the Defendant, INDIAN LIBERTY LLC, on Count IV:

A. Finding that the Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a)

(2022), and Sections 302.203 and 304.105 of the Board's regulations, 35 Ill. Adm. Code 302.203 and 304.105;

B. Enjoining the Defendant from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and Sections 302.203 and 304.105 of the Board's regulations, 35 Ill. Adm. Code 302.203 and 304.105;

C. Ordering the Defendant to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and Sections 302.203 and 304.105 of the Board's regulations, 35 Ill. Adm. Code 302.203 and 304.105, including, but not limited to, installation and maintenance of containment and adsorbent booms, operation of vacuum trucks, maintenance of siphon dams, removal and permitted disposal of contaminated vegetation and soils, monitoring of Defendant's facility for additional releases and migration of contaminants following any precipitation event, and taking all steps necessary to prevent further releases of crude oil and saltwater brine from the Boyd Facility;

D. Assessing against the Defendant a civil penalty of \$50,000.00 for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and Sections 302.203 and 304.105 of the Board's regulations, 35 Ill. Adm. Code 302.203 and 304.105, and an additional civil penalty of \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Ordering the Defendant to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

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

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of Illinois EPA, pursuant to Section 25c-1(d) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/25c-1(d) (2022), and Section 10(d) of the Oil Spill Responders Liability Act, 740 ILCS 113/10(d) (2022).

2-18. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 16 of Count I and paragraphs 18 and 19 of Count II as paragraphs 2 through 18 of this Count V.

19. In response to the Release, Illinois EPA has incurred and will continue to incur costs for response, personnel, and oversight costs at the Boyd Facility and surrounding areas impacted by the Release.

20. Section 25c-1(d) of the Act, 415 ILCS 5/25c-1(d) (2022), provides as follows:

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

21. Section 25c-1(c) of the Act, 415 ILCS 5/25c-1(c) (2022), provides as follows:

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

22. The Release consisted of crude oil and saltwater brine from oil production and is therefore “petroleum,” as that term is defined in Section 25c-1(c) of the Act, 415 ILCS 5/25c-1(c) (2022).

23. By incurring costs in response to releases and threats of release of petroleum, the Illinois EPA is entitled to recover those costs from Defendant pursuant to Section 25c-1(d) of the Act, 415 ILCS 5/25c-1(d) (2022).

24. Section 10(d) of the Oil Spill Responders Liability Act, 740 ILCS 113/10(d) (2022), provides as follows:

A responsible party is liable for any damages or removal costs, whether present or future, resulting from or arising out of any discharge, as defined in Section 5 [740 ILCS 113/5].

25. Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2022), provides, in pertinent part, as follows:

\* \* \*

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

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

\* \* \*

“Oil” means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with waste other than dredged spoil, . . .

\* \* \*

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

“Responsible party” means a responsible party as defined under Section 1001 of the Oil Pollution Act of 1990, [33 U.S.C. § 2701].



26. Section 1001(32)(B) of the Oil Pollution Act of 1990 defines “responsible party” for a release involving an onshore facility as “any person owning or operating the facility. . .”. 33 U.S.C. § 2701(32)(B) (2022).

27. As the owner and/or operator of the Boyd Facility, Defendant is a “responsible party” under Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2022).

28. Crude oil released from the oil/water separation tank at the Boyd Facility into the Embarras River, Muddy Creek, the unnamed tributary of Muddy Creek, and the Roadside Ditch, constitutes a “discharge,” as that term is defined in Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2022).

29. Crude oil is a form of oil and is therefore “oil,” as that terms is defined in Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2022).

30. The costs that Illinois EPA incurred in response to the discharge or threatened discharge of oil from the Boyd Facility constitute “damages” and “removal costs,” as those terms are defined in Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2022).

31. By incurring damages and removal costs resulting from or arising out of a discharge of oil, the Illinois EPA is entitled to recover those costs from Defendant pursuant to Section 5 of the Oil Spill Responders Liability Act, 740 ILCS 113/5 (2022).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of the Plaintiff and against the Defendant, INDIAN LIBERTY LLC, on Count V:

A. Finding that Defendant is liable under Section 25c-1(d) of the Act, 415 ILCS 5/25c-1(d) (2020), for the costs incurred by Illinois EPA in response to the Release;

B. Finding that Defendant is liable under Section 10(d) of the Oil Spill Responders Liability Act, 740 ILCS 113/10(d) (2022), for costs incurred by Illinois EPA in response to the Release; and

C. Granting such other relief as this Court deems equitable and just.

Respectfully submitted,

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

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

BY: /s/ Andrew B. Armstrong  
ANDREW B. ARMSTRONG, Chief, #6282447  
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**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
LAWRENCE COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* KWAME RAOUL, Attorney General )  
of the State of Illinois, )  
 )  
Plaintiff, )  
 )  
v. ) No. 24-CH- )  
 )  
INDIAN LIBERTY LLC, a Florida limited )  
liability company, )  
 )  
Defendant. )

**VERIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109 (2022), ANDREW ZAJICEK certifies that he is employed by the Illinois Environmental Protection Agency; that he has direct and personal knowledge as to the release of contaminants from Indian Liberty LLC's Boyd Facility located in Petrolia, Illinois, and as to the field conditions of nearby lands and downstream surface waters, which are the subject matter of the foregoing VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES; that he has read said complaint; and that the factual statements set forth in said complaint are true and correct, except as to those matters state to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
\_\_\_\_\_  
ANDREW ZAJICEK

DATE: 04/19/2024