

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

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. KWAME RAOUL, Attorney General)
of the State of Illinois,)
)
Plaintiff,)
)
v.) No. 22-CH- 2022CH2
)
SUGAR CAMP ENERGY, LLC, a Delaware)
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, complains of Defendant, SUGAR CAMP ENERGY, LLC, a Delaware limited liability company, as follows:

**COUNT I
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, against Defendant on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d), (e) (2020).

2. Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act. Illinois EPA is further charged with the duty to abate violations of the National Pollutant

Discharge Elimination System (“NPDES”) Permit Program under the Federal Clean Water Act (“CWA”), 33 U.S.C. §1342(b)(7).

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

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

5. On May 24, 2016, Illinois EPA issued NPDES Permit No. IL0078565 (the “Permit”) to Defendant.

6. The Permit authorizes the Facility to discharge wastewater from specified outfalls into waters of the State, subject to the limitations and conditions stated therein.

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

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

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

10. Upon information and belief, Defendant pumps underground waters from the M-Class longwall mine to a slurry impoundment known as Refuse Disposal Area No. 1 (“RDA-1”).

11. Upon information and belief, Defendant pumps underground waters from the Viking longwall mine to a slurry impoundment known as Refuse Disposal Area No. 2 (“RDA-2”).

12. Upon information and belief, impoundment water from RDA-1 is pumped to a reverse osmosis treatment plant (“RO Plant”).

13. Upon information and belief, the RO Plant pumps treated effluent—known as RO Permeate—into Pond 001.

14. Upon information and belief, the RO Plant pumps RO Concentrate—a byproduct of treatment—through two reject stream pipelines back to RDA-1 for additional treatment.

15. The Permit authorizes the discharge of alkaline mine drainage in Pond 001 through Outfall 001 into an unnamed tributary of the Middle Fork of the Big Muddy River (“Big Muddy River Tributary”), subject to the terms and conditions of the Permit.

16. Upon information and belief, on or about August 14, 2021, an underground fire erupted in the Facility’s M-Class longwall mine.

17. Upon information and belief, at times better known to Defendant, Defendant applied, injected, or otherwise utilized firefighting foams containing per- and polyfluoroalkyl substances (“PFAS”) in the M-Class longwall mine in response to the underground fire.

18. Upon information and belief, Defendant applied the firefighting foam containing PFAS as a mixture of 1 part foam concentrate to 100 parts water.

19. PFAS are human-made, synthetic chemicals that do not exist naturally in the environment.

20. The U.S. Environmental Protection Agency (“USEPA”) has found that two of the most studied PFAS chemicals—Perfluorooctane Sulfonic Acid (“PFOS”) and Perfluorooctanoic Acid (“PFOA”)—are extremely persistent in the environment and are resistant to chemical, biological, and physical degradation processes. USEPA has additionally stated that, upon exposure to the human body, there is a potential for bioaccumulation and toxicity at environmentally

relevant concentrations as studies show it can take years for PFOS and PFOA to leave the human body.¹

21. The U.S. Agency for Toxic Substances and Disease Registry has stated that exposure to PFAS is associated with a wide array of harmful and serious health effects in humans and animals, including but not limited to: (a) liver damage, (b) altered cholesterol levels, (c) pregnancy-induced hypertension and/or preeclampsia, (d) thyroid disease; (e) modulation of the immune system, (f) decreased fertility, and (g) decreases in birth weight.²

22. At all times relevant to the Complaint, Defendant stored firefighting foam concentrate at a property located northeast of the intersection of Akin Road and Thompsonville Road (“Mine Hoist Site”). Defendant stored firefighting foam concentrate containing PFAS at the Mine Hoist Site in mini-bulk containers of approximately 265 gallons each, and in five-gallon buckets.

23. Upon information and belief, at times better known to Defendant, Defendant transferred firefighting foam concentrate containing PFAS from five-gallon buckets into mini-bulk containers at the Mine Hoist Site.

24. Upon information and belief, at times better known to Defendant, damaged mini-bulk containers and/or buckets leaked firefighting foam concentrate containing PFAS onto the ground at the Mine Hoist Site.

25. Upon information and belief, at times better known to Defendant, Defendant drilled six boreholes from the surface into the M-Class mine on a property located east of Summer Road approximately one quarter mile north of Akin, Illinois (“Foam Injection Site”).

¹ 86 Fed. Reg. 12272, 12276-77 (Mar. 3, 2021).

² See U.S. Department of Health and Human Service, Agency for Toxic Substances and Disease Registry, *Toxicological Profile for Perfluoroalkyls*, <https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf> (May 2021) (accessed December 21, 2021).

26. Upon information and belief, at times better known to Defendant, Defendant mixed firefighting foam concentrate containing PFAS and water in a specialized tank located at the Foam Injection Site to create firefighting foam mixture.

27. Upon information and belief, at times better known to Defendant, Defendant injected firefighting foam mixture containing PFAS—in quantities and concentrations better known to Defendant—into the M-Class mine through one or more of the six boreholes located at the Foam Injection Site.

28. On the morning of September 1, 2021, Illinois EPA received a citizen complaint regarding the release of firefighting foam in a farm field ditch near Thompsonville Road approximately one quarter mile north of Akin Road (“Farm Field Ditch”) and in an unnamed tributary to Akin Creek near Knob Prairie Cemetery approximately one quarter mile west of Thompsonville Road (“Akin Creek Tributary No. 1”).

29. On the afternoon of September 1, 2021, Illinois EPA conducted an inspection in response to the citizen complaint (“September 1st Inspection”).

30. At the time of the September 1st Inspection, Illinois EPA inspectors observed suds in Akin Creek Tributary No. 1 underneath the bridge on Knob Prairie Road adjacent to Knob Prairie Cemetery (“Knob Prairie Bridge”).

31. The Farm Field Ditch is tributary to Akin Creek Tributary No. 1. Drainage from the Farm Field Ditch enters Akin Creek Tributary No. 1 upstream of the Knob Prairie Bridge.

32. Storm water from the Mine Hoist Site drains into Akin Creek Tributary No. 1 upstream of the Knob Prairie Bridge.

33. At the time of the September 1st Inspection, Illinois EPA inspectors observed at the Foam Injection Site approximately twenty-five empty mini-bulk containers labeled as containing firefighting foam concentrate.

34. At the time of the September 1st Inspection, Illinois EPA inspectors observed at the Foam Injection Site two mini-bulk containers affixed on top of a tank used to mix firefighting foam concentrate with water prior to injection into the M-Class mine.

35. At the time of the September 1st Inspection, Illinois EPA inspectors observed two earthen collection pits at the Foam Injection Site. One earthen collection pit was located downgradient from the mini-bulk containers at the Foam Injection Site. The other earthen collection pit was located downgradient from the mixing and pumping operations at the Foam Injection Site (“Mixing Collection Pit”).

36. On September 2, 2021, Illinois EPA conducted a further inspection in response to the citizen complaint (“September 2nd Inspection”).

37. At the time of the September 2nd Inspection, Illinois EPA inspectors observed approximately forty-nine mini-bulk containers containing firefighting foam concentrate located at the Mine Hoist Site.

38. At the time of the September 2nd Inspection, Illinois EPA inspectors observed suds in puddles of standing water approximately 30 feet west of the mini-bulk containers located at the Mine Hoist Site.

39. At the time of the September 2nd Inspection, Illinois EPA inspectors collected a water sample from Akin Creek Tributary No. 1 at the Knob Prairie Bridge (“Sample 1”).

40. At the time of the September 2nd Inspection, Illinois EPA inspectors collected a water sample from the Farm Field Ditch (“Sample 2”).

41. At the time of the September 2nd Inspection, Illinois EPA inspectors observed suds in standing water in a field swale immediately east of Thompsonville Road and approximately 100 yards northwest of where mini-bulk containers were being stored at the Mine Hoist Site (“Field Swale”).

42. The Field Swale is tributary to the Farm Field Ditch.

43. At the time of the September 2nd Inspection, Illinois EPA inspectors collected a water sample from the standing water in the Field Swale (“Sample 3”).

44. At the time of the September 2nd Inspection, Illinois EPA inspectors collected a water sample from an unnamed tributary to Akin Creek (“Akin Creek Tributary No. 2”) approximately 100 feet downgradient from the Mixing Collection Pit at the Foam Injection Site (“Sample 4”).

45. Laboratory analysis of the September 2, 2021 water samples yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 1</u>	<u>Sample 2</u>	<u>Sample 3</u>	<u>Sample 4</u>
Perfluorononanoic Acid (“PFNA”)	5.1	2.8	6.5	78
Perfluorooctane Sulfonic Acid (“PFOS”)	32	26	220	110
Perfluorobutane Sulfonic Acid (“PFBS”)	ND ³	ND	6.2	3.7
Perfluorooctanoic Acid (“PFOA”)	3.9	3.9	27	8.7
Perfluorohexane Sulfonic Acid (“PFHxS”)	5.1	5.0	47	14
Perfluorohexanoic Acid (“PFHxA”)	26	16	220	37
Perfluoroheptanoic Acid (“PFHpA”)	11	6.0	39	13

³ “ND” signifies “not detected.”

46. Upon information and belief, at times better known to Defendant, Defendant continually pumped underground waters from the M-Class longwall mine into RDA-1 after the injection of firefighting foams containing PFAS into the mine.

47. On October 29, 2021, Defendant conducted sampling for PFAS in water samples taken from the north bank (“Sample 5”), south bank (“Sample 6”), west bank (“Sample 7”), and east bank (“Sample 8”) of RDA-1.

48. Laboratory analysis of the October 29, 2021 water samples taken from RDA-1 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 5</u>	<u>Sample 6</u>	<u>Sample 7</u>	<u>Sample 8</u>
PFNA	51	190	110	69
PFOS	360	1900	950	520
PFBS	30	28	28	27
PFOA	17	24	19	17
PFHxS	130	150	140	130
PFHxA	70	63	66	64
PFHpA	20	19	20	19

49. On October 29, 2021, Defendant conducted sampling for PFAS in water samples taken from the north bank (“Sample 9”), the south bank (“Sample 10”), the west bank (“Sample 11”), and the east bank (“Sample 12”) of Pond 001.

50. Laboratory analysis of the October 29, 2021 water samples taken from Pond 001 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 9</u>	<u>Sample 10</u>	<u>Sample 11</u>	<u>Sample 12</u>
PFOS	2.3	4.1	2.4	2.5

51. On October 29, 2021, Defendant conducted sampling for PFAS in water samples taken from Outfall 001 (“Sample 13”) and the Big Muddy River Tributary approximately 100 feet downstream from Outfall 001 (“Sample 14”).

52. Laboratory analysis of the October 29, 2021 water samples taken from Outfall 001 and the receiving stream downstream from Outfall 001 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 13</u>	<u>Sample 14</u>
PFOS	2.1	2.4

53. On October 29, 2021, Defendant conducted sampling for PFAS in water samples taken from the west RO Concentrate pipeline (“Sample 15”) and the east RO Concentrate pipeline (“Sample 16”).

54. Laboratory analysis of the October 29, 2021 water samples taken from the RO Concentrate pipelines yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 15</u>	<u>Sample 16</u>
PFNA	82	66
PFOS	560	440
PFBS	30	64
PFOA	23	24
PFHxS	180	190
PFHxA	71	150
PFHpA	28	32

55. On November 12, 2021, Defendant conducted sampling for PFAS in water samples taken from the north bank (“Sample 17”), south bank (“Sample 18”), west bank (“Sample 19”), and east bank (“Sample 20”) of RDA-1.

56. Laboratory analysis of the November 12, 2021 water samples taken from RDA-1 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 17</u>	<u>Sample 18</u>	<u>Sample 19</u>	<u>Sample 20</u>
PFNA	62	47	45	170
PFOS	450	310	280	1500
PFBS	27	28	28	27
PFOA	16	16	16	19

PFHxS	120	120	120	130
PFHxA	64	58	70	65
PFHpA	22	20	21	19

57. On November 12, 2021, Defendant conducted sampling for PFAS in water samples taken from the north bank (“Sample 21”), the south bank (“Sample 22”), the west bank (“Sample 23”), and the east bank (“Sample 24”) of Pond 001.

58. Laboratory analysis of the November 12, 2021 water samples taken from Pond 001 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 21</u>	<u>Sample 22</u>	<u>Sample 23</u>	<u>Sample 24</u>
PFOS	2.0	2.8	1.9	5.0
PFHxS	3.6	ND	ND	ND

59. On November 12, 2021, Defendant conducted sampling for PFAS in water samples taken from Outfall 001 (“Sample 25”) and the receiving stream approximately 100 feet downstream from Outfall 001 (“Sample 26”).

60. Laboratory analysis of the November 12, 2021 water samples taken from Outfall 001 and the receiving stream downstream from Outfall 001 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 25</u>	<u>Sample 26</u>
PFOS	1.9	ND

61. On November 12, 2021, Defendant conducted sampling for PFAS in water samples taken from the west RO Concentrate pipeline (“Sample 27”) and the east RO Concentrate pipeline (“Sample 28”).

62. Laboratory analysis of the November 12, 2021 water samples taken from the RO Concentrate pipelines yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 27</u>	<u>Sample 28</u>
PFNA	65	85
PFOS	460	590
PFBS	28	47
PFOA	18	25
PFHxS	140	210
PFHxA	57	110
PFHpA	19	37

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

64. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), 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.

65. 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 (2020).

66. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides as follows:

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

67. PFAS, including but not limited to PFNA, PFOS, PFBS, PFOA, PFHxS, PFHxA, and PFHpA, firefighting foam containing PFAS, and alkaline mine drainage are “contaminants,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

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

69. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), 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.

70. Big Muddy River Tributary, Akin Creek Tributary No. 1, Akin Creek Tributary No. 2, the Farm Field Ditch, and the Field Swale are each “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

71. Defendant’s discharges of PFAS and/or firefighting foam containing PFAS into waters of the State created or were likely to create a nuisance, or rendered or were likely to 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, and therefore constitute “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

72. On September 1, 2021, September 2, 2021, October 29, 2021, and November 12, 2021, and at other times better known to Defendant, Defendant caused, threatened, or allowed discharges of contaminants into the environment 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) (2020).

73. Violations of the pertinent environmental statutes will continue until and unless 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, SUGAR CAMP ENERGY, LLC,

on Count I:

A. Finding that the Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

B. Enjoining the Defendant from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

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) (2020), including, but not limited to, ceasing and desisting from applying firefighting foams containing PFAS, discharging PFAS into waters of the state, and causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution;

D. Assessing against the Defendant a civil penalty of \$50,000.00 for each violation of the Act, 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. 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 II
WATER POLLUTION HAZARD

1-69. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 62 and 64 and through 70 of Count I as paragraphs 1 through 69 of this Count II.

70. Section 12(d) of the Act, 415 ILCS 5/12(d) (2020), 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.

71. Upon information and belief, at times better known to Defendant, Defendant deposited firefighting foam containing PFAS upon the land, including at the farm field adjacent to Thompsonville Road, the Mine Hoist Site, and the Foam Injection Site.

72. Defendant's deposition of firefighting foam containing PFAS upon the land constitutes a water pollution hazard.

73. By depositing contaminants upon the land in a place and manner so as to create a water pollution hazard, Defendant violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

74. Violations of the pertinent environmental statutes will continue until and unless 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, SUGAR CAMP ENERGY, LLC, on Count II:

A. Finding that the Defendant violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);

B. Enjoining the Defendant from further violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);

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) (2020), including, but not limited to, ceasing and desisting from applying firefighting foams containing PFAS in such a manner as to create a water pollution hazard;

D. Assessing against the Defendant a civil penalty of \$50,000.00 for each violation of the Act, 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. 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
DISCHARGES IN VIOLATION OF NPDES PERMIT

1-68. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 62, 64 through 67, 69, and 70 of Count I as paragraphs 1 through 68 of this Count III.

69. Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), provides, in pertinent part, as follows:

No person shall:

* * *

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein . . . without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit . . . or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

70. Section 3.105 of the Act, 415 ILCS 5/3.105 (2020), provides as follows:

“Agency” is the Environmental Protection Agency established by this Act.

71. Section 309.102(a) of the Board’s regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

- a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

72. Section 301.240 of the Board’s regulations, 35 Ill. Adm. Code 301.240, provides the following definition:

“CWA” means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., Public Law 92-500 enacted by Congress October 18, 1972 as amended by the “Clean Water Act”, Public Law 95-217, enacted December 12, 1977, as amended.)

73. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), provides the following definition:

- (14) The term “point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

74. The Permit authorizes Defendant to discharge contaminants from specified wastestreams from Outfalls 001, 002, 003, 004, 005, 006, 007, 008, 010, 013, 014, 015, 016, 017, and A10, subject to the terms and conditions of the Permit (“Effluent Limitations and Monitoring Conditions”).

75. Outfalls 001, 002, 003, 004, 005, 006, 007, 008, 010, 013, 014, 015, 016, 017, and A10 were and are “point sources,” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

76. The Permit does not authorize Defendant to discharge PFAS and/or firefighting foam containing PFAS from any of the Facility’s permitted Outfalls.

77. At times better known to Defendant, and based on the detection of PFAS at Outfall 001 and the Big Muddy River Tributary, as evidenced in Defendant's October 29, 2021 and November 12, 2021 sampling results, Defendant discharged PFAS and/or firefighting foam containing PFAS from Outfall 001.

78. By discharging PFAS and/or firefighting foam containing PFAS from Outfall 001, Defendant discharged contaminants in violation of the Effluent Limitations and Monitoring Conditions of the Permit.

79. By violating the Effluent Limitations and Monitoring Conditions of the Permit, Defendant discharged contaminants into the waters of the State from a point source in violation of the provisions and conditions of the Permit, and thereby violated Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a).

80. By violating Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), Defendant caused, threatened, or allowed the discharge of a contaminant into waters of the State in violation of regulations adopted by the Board with respect to the NPDES program, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

81. By violating the Effluent Limitations and Monitoring Conditions of the Permit, Defendant caused, threatened, or allowed the discharge of a contaminant into the waters of the State in violation of the terms or conditions imposed by the Permit, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

82. The Permit does not authorize Defendant to discharge any contaminant from any point source other than the Facility's permitted Outfalls.

83. On September 1, 2021, September 2, 2021, and at times better known to Defendant, Defendant discharged PFAS and/or firefighting foam containing PFAS into waters of the State from point sources not authorized by an NPDES permit.

84. By discharging PFAS and/or firefighting foam containing PFAS into waters of the State from point sources not authorized by an NPDES permit, Defendant caused, threatened, or allowed the discharge of a contaminant into waters of the State without an NPDES permit for point source discharges issued by the Agency, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

85. Violations of the pertinent environmental statutes and regulations will continue until and unless 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, SUGAR CAMP ENERGY, LLC, on Count III:

A. Finding that the Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and the Effluent Limitations and Monitoring Conditions of the Permit;

B. Enjoining the Defendant from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and the Effluent Limitations and Monitoring Conditions of the Permit;

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(f) of the Act, 415

ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and the Effluent Limitations and Monitoring Conditions of the Permit, including, but not limited to, ceasing and desisting from discharging PFAS and/or firefighting foam containing PFAS into waters of the State in violation of the Act, the Board's regulations, and the Permit, and complying with all Permit requirements and limitations;

D. Assessing against the Defendant a civil penalty of \$10,000.00 for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and NPDES Permit No. IL0078565, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2020);

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 NARRATIVE WATER QUALITY STANDARD:
OFFENSIVE CONDITIONS

1-69. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 67, 69, and 70 of Count I as paragraphs 1 through 69 of this Count IV.

70. 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. . . .

71. 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, no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard.

72. 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. . . .

73. 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.

74. Firefighting foam containing PFAS deposited or otherwise discarded upon the land or waters of the State is a “wastewater,” as that term is defined in Section 301.425 of the Board’s regulations, 35 Ill. Adm. Code 301.425.

75. Firefighting foam containing PFAS discharged, directly or indirectly, into waters of the State is “effluent,” as that term is defined in Section 301.275 of the Board’s regulations.

76. At times better known to Defendant, Defendant discharged firefighting foam containing PFAS into waters of the State—including, but not limited to, Akin Creek Tributary No. 1—causing floating debris 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.

77. By violating Section 302.203 of the Board’s regulations, 35 Ill. Adm. Code 302.203, Defendant thereby violated Section 304.105 of the Board’s regulations, 35 Ill. Adm. Code 304.105.

78. By violating Sections 302.203 and 304.105 of the Board’s regulations, 35 Ill. Adm. Code 302.203 and 304.105, Defendant caused or threatened or allowed the discharge of

contaminants into the environment so as to violate regulations or standards adopted by the Board under the Act, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

79. Violations of the pertinent environmental statutes and regulations will continue until and unless 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, SUGAR CAMP ENERGY, LLC, on Count IV:

A. Finding that the Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 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) (2020), 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) (2020), 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, ceasing and desisting from causing or contributing to the violation of water quality standards;

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) (2020), 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 each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020);

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
VIOLATION OF EFFLUENT STANDARD: OFFENSIVE DISCHARGE

1-73. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 67, 69, and 70 of Count I and paragraphs 72 through 75 of Count IV as paragraphs 1 through 73 of this Count V.

74. Section 304.106 of the Board's regulations, 35 Ill. Adm. Code 304.106, provides, in pertinent part, as follows:

In addition to the other requirements of this Part, no 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.

75. At times better known to Defendant, Defendant discharged effluent containing floating debris, and thereby violated Section 304.106 of the Board's regulations, 35 Ill. Adm. Code 304.106.

76. By violating Section 304.106 of the Board's regulations, 35 Ill. Adm. Code 304.106, Defendant caused or threatened or allowed the discharge of contaminants into the environment so as to violate regulations or standards adopted by the Board under the Act, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

77. Violations of the pertinent environmental statutes and regulations will continue until and unless 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, SUGAR CAMP ENERGY, LLC, on Count V:

A. Finding that the Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 304.106 of the Board’s regulations, 35 Ill. Adm. Code 304.106;

B. Enjoining the Defendant from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 304.106 of the Board’s regulations, 35 Ill. Adm. Code 304.106;

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) (2020), and Section 304.106 of the Board’s regulations, 35 Ill. Adm. Code 304.106, including, but not limited to, ceasing and desisting from violating effluent standards;

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) (2020), and Section 302.203 of the Board’s regulations, 35 Ill. Adm. Code 302.203, 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. 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 VI
DISCHARGE IN VIOLATION OF NPDES PERMIT
(OUTFALL 013 DISCHARGE)

1-75. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 62, 64 through 67, and 69 of Count I and paragraphs 69 through 76 of Count III as paragraphs 1

through 75 of this Count VI.

76. The Permit authorizes the discharge of alkaline mine drainage in Pond 013 through Outfall 013 into the Middle Fork of the Big Muddy River, subject to the terms and conditions of the Permit.

77. The Middle Fork of the Big Muddy River constitutes “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

78. Upon information and belief, RDA-2 contains underdrains that drain into Pond 013.

79. Upon information and belief, on or about November 5, 2021 through at least November 7, 2021, Defendant discharged an unknown quantity of alkaline mine drainage from Outfall 013 (“November 2021 Discharge”).

80. By letter dated November 11, 2021, Defendant notified Illinois EPA of the November 2021 Discharge (“Discharge Notification Letter”).

81. In the Discharge Notification Letter, Defendant informed Illinois EPA that no water samples were collected at the time of the November 2021 Discharge.

82. On October 30, 2021, Defendant conducted sampling for PFAS in water samples taken from the southeast bank (“Sample 29”) and west bank (“Sample 30”) of RDA-2.

83. Laboratory analysis of the October 30, 2021 water samples taken from RDA-2 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 29</u>	<u>Sample 30</u>
PFOS	11	5.0
PFHxS	1.8	1.9
PFHpA	2.6	2.7

84. On November 12, 2021, Defendant conducted sampling for PFAS in water samples taken from the southeast bank (“Sample 31”) and west bank (“Sample 32”) of RDA-2.

85. Laboratory analysis of the November 12, 2021 water samples taken from RDA-2 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 31</u>	<u>Sample 32</u>
PFOS	4.4	5.1
PFHxS	1.9	2.0
PFHpA	4.4	4.6

86. On November 12, 2021, Defendant conducted sampling for PFAS in water samples taken from Pond 13 (“Sample 33”) and Outfall 013 (“Sample 34”).

87. Laboratory analysis of the November 12, 2021 water samples taken from Pond 13 and Outfall 013 yielded the following results for PFAS in nanograms per liter (“ng/L”):

<u>Parameter</u>	<u>Sample 33</u>	<u>Sample 34</u>
PFOS	2.8	2.4
PFHpA	4.3	3.4

88. Upon information and belief, the November 2021 Discharge contained PFAS and/or firefighting foam containing PFAS.

89. Special Condition 14(a) of the Permit provides as follows:

No discharge is allowed from Outfall No. 013 during “low flow” or “no flow” conditions in the receiving stream, unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.

Pursuant to 35 Ill. Adm. Code Part 302.102, discharges from the referenced outfalls that otherwise would not meet the water quality standards of 35 Ill. Adm. Code Part 302 may be permitted if sufficient flow exists in the receiving stream to ensure that applicable water quality standards are met. That is, discharges not meeting the water quality standards of 35 Ill. Adm. Code Part 302 may only be discharged in combination with stormwater discharges from the basin, and only at such times that sufficient flow exists in the receiving stream to ensure that water quality standards in the receiving stream beyond the area of allowed mixing will not be exceeded.

The permittee shall determine the effluent limitation for chloride and/or the maximum effluent flow rate allowable to maintain water quality in the

receiving stream. The following equations shall be used to make such determinations:

$$C_{DS} = [C_E Q_E + 0.25 C_{US} Q_{US}] / (0.25 Q_{US} + Q_E)$$

Where:

C_E = Effluent concentration (mg/L)

Q_E = Effluent flow rate (cfs) for Outfall 013

Q_{US} = Upstream flow rate (cfs)

C_{US} = Upstream concentration (mg/L)

C_{DS} = Downstream concentration

The “calculated” downstream concentration shall be less than 500 mg/L for chloride and reported on the discharge monitoring reports (DMRs).

The permittee shall install a gauging station and TDS monitor upstream of the discharge to determine an upstream flow (Q_{US}) and a chloride concentration (C_{US}) correlated to the TDS value. In addition, the permittee shall install a continuous TDS monitor downstream to ensure that the chloride concentration (correlated to the TDS value) stays within the chloride water quality standard.

90. Upon information and belief, at the time of the November 2021 Discharge, “low flow” or “no flow” conditions existed in the receiving stream.

91. Because Defendant did not collect water samples at the time of the November 2021 Discharge, Defendant did not (i) monitor effluent flows or chloride concentrations; (ii) monitor upstream flows or chloride concentrations; (iii) monitor downstream chloride concentrations; or (iv) limit the discharge from Outfall 013 pursuant to the terms and conditions of Special Condition 14(a).

92. On or about November 5, 2021 through at least November 7, 2021, at times better known to Defendant, Defendant discharged alkaline mine drainage from Outfall 013 without limiting effluent flow pursuant to the terms and conditions of Special Condition 14(a), and thereby violated Special Condition 14(a) of the Permit.

93. On or about November 5, 2021 through at least November 7, 2021, and at other times better known to Defendant, Defendant discharged PFAS and/or firefighting foam containing PFAS from Outfall 013 in violation of the Effluent Limitations and Monitoring Conditions of the Permit.

94. By violating Special Condition 14(a) and the Effluent Limitations and Monitoring Conditions of the Permit, Defendant discharged contaminants into the waters of the State from a point source in violation of the provisions and conditions of the Permit, and thereby violated Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a).

95. By violating Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), Defendant caused, threatened, or allowed the discharge of a contaminant into waters of the State in violation of regulations adopted by the Board with respect to the NPDES program, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

96. By violating Special Condition 14(a) and the Effluent Limitations and Monitoring Conditions of the Permit, Defendant caused, threatened, or allowed the discharge of a contaminant into the waters of the State in violation of the terms or conditions imposed by the Permit, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

97. Violations of the pertinent environmental statutes and regulations will continue until and unless 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, SUGAR CAMP ENERGY, LLC, on Count VI:

A. Finding that the Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and Special Condition 14(a) and the Effluent Limitations and Monitoring Conditions of the Permit;

B. Enjoining the Defendant from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and Special Condition 14(a) and the Effluent Limitations and Monitoring Conditions of the Permit;

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(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and Special Condition 14(a) and the Effluent Limitations and Monitoring Conditions of the Permit, including, but not limited to, ceasing and desisting from discharging alkaline mine drainage, PFAS, and/or firefighting foam containing PFAS into waters of the State in violation of the Act, the Board's regulations, and the Permit, and complying with all Permit requirements and limitations;

D. Assessing against the Defendant a civil penalty of \$10,000.00 for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a), and NPDES Permit No. IL0078565, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2020);

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 VII
WATER POLLUTION
(OUTFALL 013 DISCHARGE)

1-82. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 69 of Count I and paragraphs 76 through 88 of Count VI as paragraphs 1 through 82 of this Count VII.

83. Defendant's November 2021 Discharge from Outfall 013 into waters of the State created or was likely to create a nuisance, or rendered or was likely to 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, and therefore constitutes "water pollution," as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

84. On or about November 5, 2021 through at least November 7, 2021, at times better known to Defendant, Defendant caused, threatened, or allowed discharges of contaminants into the environment 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) (2020).

85. Violations of the pertinent environmental statutes will continue until and unless 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, SUGAR CAMP ENERGY, LLC, on Count VII:

A. Finding that the Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

B. Enjoining the Defendant from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

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) (2020), including, but not limited to, ceasing and desisting from causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution;

D. Assessing against the Defendant a civil penalty of \$50,000.00 for each violation of the Act, 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. 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.

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

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 22-CH-
)	
SUGAR CAMP ENERGY, LLC, a Delaware)	
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 (2020), BRIAN RODELY certifies that he is employed by the Illinois Environmental Protection Agency as an Environmental Protection Engineer; that he has direct and personal knowledge as to the Sugar Camp Mine and its operations in Franklin County, Illinois; that he has read the foregoing VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES; that the factual statements set forth in said complaint are true and correct, except as to those matters stated to be upon information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



BRIAN RODELY

DATE: 01-04-2022

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

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 22-CH-
)	
SUGAR CAMP ENERGY, LLC, a Delaware)	
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 (2020), BRUCE RODELY certifies that he is employed by the Illinois Environmental Protection Agency as an Environmental Protection Engineer; that he has direct and personal knowledge as to the Sugar Camp Mine and its operations in Franklin County, Illinois; that he has read the foregoing VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES; that the factual statements set forth in said complaint are true and correct, except as to those matters stated to be upon information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



BRUCE RODELY

DATE: 01/04/2022