

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
WILLIAMSON COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	2023CH16
)	
v.)	No. 23-CH-
)	
WILLIAMSON ENERGY, LLC, a Delaware)	
limited liability company,)	
)	
Defendant.)	

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 WILLIAMSON 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) and (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, WILLIAMSON 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 owned and operated Pond Creek Mine No. 1, a coal mine and coal preparation plant located at 18000 Dean Road, approximately 4 miles east-northeast of Johnston City, Williamson County, Illinois (“Facility”).

5. The Facility comprises, *inter alia*, drainage control structures, eight sediment basins, slope, preparation plant, coal stockpile, refuse disposal area, railroad loop, roads, ventilation shafts, parking areas, coal conveyors, and office and maintenance buildings.

6. On June 28, 2005, Illinois EPA issued NPDES Permit No. IL0077666 to Steelhead Development Company, LLC, with an expiration date of July 1, 2010.

7. On September 24, 2006, Illinois EPA received a request to transfer NPDES Permit No. IL0077666 from Steelhead Development Company, LLC to Defendant. On December 31, 2009, Illinois EPA received a timely permit renewal application from Defendant, which administratively continued the NPDES Permit No. IL0077666 pursuant to Section 309.104 of the Board’s regulations, 35 Ill. Adm. Code 309.104.

8. On February 7, 2013, Illinois EPA issued a Final Modified NPDES Permit No. IL0077666 (the “2013 Permit”) to Defendant, which was issued without public notice and

consisted only of the revision of the permittee’s name to Williamson Energy, LLC.

9. From February 7, 2013 through April 30, 2022, Defendant operated the Facility subject to the terms and conditions of the 2013 Permit.

10. On April 15, 2022, Illinois EPA issued a Final Renewed NPDES Permit No. IL0077666 (the “2022 Permit”), which includes new terms and conditions and became effective on May 1, 2022. It is subject to an ongoing permit appeal filed with the Illinois Pollution Control Board, *Sierra Club and Prairie Rivers Network v. Illinois EPA and Williamson Energy, LLC*, PCB 2022-069.

11. Pursuant to the terms and conditions of both the 2013 Permit and 2022 Permit, Defendant was required to sample the Facility’s discharges and report the results of laboratory analyses on Discharge Monitoring Reports (“DMRs”), which must be submitted to Illinois EPA on a monthly basis.

12. The 2013 Permit authorized—and, at the time of the filing of this Complaint, the 2022 Permit continues to authorize—Defendant to discharge mine drainage, subject to permit terms and conditions, into unnamed tributaries of Pond Creek at the following outfalls:

<u>Outfall</u>	<u>Classification</u>
001, 002, 003, 004, 005	Alkaline Mine Drainage
006, 007, 008	Acid Mine Drainage

13. Outfall 001 discharges alkaline mine drainage from Pond 001 into an unnamed tributary of Pond Creek (“Pond Creek Tributary No. 1”) upstream of the Dean Road Bridge.

14. Outfall 006 discharges acid mine drainage from Pond 006 into an unnamed tributary of Pond Creek (“Pond Creek Tributary No. 2”).

15. Pond Creek Tributary No. 2 flows into a Pond Creek Tributary No. 1 upstream of the Dean Road Bridge.

16. Pond Creek Tributary No. 1 flows into Pond Creek.
17. On August 29, 2019, Illinois EPA conducted an inspection of the Facility.
18. On August 29, 2019, no recent precipitation had occurred at the Facility.
19. On August 29, 2019, water was pooled in the corrugated tile of Outfall 006.
20. On August 29, 2019, the stream bank and vegetation immediately downstream from Outfall 006 were stained. Discharges from Outfall 006 caused the staining on the stream bank and vegetation immediately downstream from Outfall 006.
21. On August 29, 2019, Illinois EPA collected water samples from receiving waters downstream from Outfall 006. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 1	Pond Creek Tributary No. 2 immediately downstream from Outfall 006 (PC006DS)	Chloride	1140	mg/L
		Hardness	230	
		Sulfate	1780	
Sample 2	Pond Creek Tributary No. 1 immediately upstream of Dean Road Bridge (PCDR)	Chloride	1150	
		Hardness	289	
		Sulfate	1790	

22. On or before August 29, 2019, at times better known to Defendant, Defendant discharged acid mine drainage containing settleable solids and elevated levels of chloride and sulfate from Outfall 006 into Pond Creek Tributary No. 2 (“August 2019 Discharge”).
23. On or about July 31, 2020, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on August 1-8, 2020, August 13-14, 2020, August 20-21, 2020, and August 27-28, 2020.
24. On August 6, 2020, Illinois EPA conducted an inspection of the Facility.
25. On August 6, 2020, slightly turbid water was discharging from Outfall 006 at a rate of over 8,000 gallons per minute.
26. On August 6, 2020, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly

turbid.

27. On August 6, 2020, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 3	Effluent discharging from Outfall 006 (PC006)	Chloride	1330	mg/L
		Sulfate	1930	
Sample 4	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1350	
		Hardness	147	
		Sulfate	1950	
Sample 5	Pond Creek immediately west of Liberty School Road (PCLSR)	Chloride	1330	
		Hardness	147	
		Sulfate	1940	

28. On or about November 30, 2020, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on December 1-8, 2020.

29. On December 4, 2020, Illinois EPA conducted an inspection of the Facility.

30. On December 4, 2020, slightly turbid water was discharging from Outfall 006 at a rate of over 8,000 gallons per minute.

31. On December 4, 2020, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a mine water odor.

32. On December 4, 2020, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 6	Effluent discharging from Outfall 006 (PC006)	Chloride	1630	mg/L
		Sulfate	1980	

Sample 7	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1770	mg/L
		Hardness	262	
		Sulfate	2150	

33. On or about December 31, 2020, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on January 1-10, 2021.

34. On January 5, 2021, Illinois EPA conducted an inspection of the Facility.

35. On January 5, 2021, slightly turbid water was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

36. On January 5, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a mine water odor.

37. On January 5, 2021, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 8	Effluent discharging from Outfall 006 (PC006)	Chloride	1540	mg/L
		Sulfate	1880	
Sample 9	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1510	
		Hardness	292	
		Sulfate	1850	

38. On or about February 10, 2021, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on February 10-19, 2021.

39. On February 10, 2021, Illinois EPA conducted an inspection of the Facility.

40. On February 10, 2021, slightly turbid water was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

41. On February 10, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a mine water odor.

42. On February 10, 2021, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 10	Effluent discharging from Outfall 006 (PC006)	Chloride	1710	mg/L
		Sulfate	1990	
Sample 11	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1760	
		Hardness	318	
		Sulfate	2040	
		Iron	1.63	

43. On or about February 23, 2021, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on February 24-28, 2021 and March 1-5, 2021.

44. On February 24, 25, and 26, 2021, Illinois EPA conducted an inspection of the Facility.

45. On February 24, 2021, mostly clear water was discharging from Outfall 001 at a rate of approximately 500 gallons per minute.

46. On February 24, 2021, slightly turbid water was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

47. On February 24, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid.

48. On February 24, 2021, Illinois EPA collected water samples from effluent discharging from Outfalls 001 and 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 12	Effluent discharging from Outfall 001 (PC001)	Iron	1.870	mg/L
Sample 13	Effluent discharging from Outfall 006 (PC006)	Chloride	1680	
		Sulfate	1950	
Sample 14	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1340	
		Hardness	272	
		Sulfate	1560	
		Iron	1.94	

49. On February 25, 2021, Outfall 006 was not discharging due to a closed gate valve and an air bladder inserted into the culvert of Outfall 006.

50. On February 25, 2021, a Corinth Water District water main was visibly exposed above the water line in Pond Creek Tributary No. 1 immediately upstream of the Dean Road Bridge due to approximately three feet of stream bed erosion.

51. On February 26, 2021, mostly clear water was discharging from Outfall 001 at a rate of approximately 200 gallons per minute.

52. On February 26, 2021, slightly turbid water was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

53. On February 26, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid.

54. On February 26, 2021, Illinois EPA collected water samples from effluent discharging from Outfalls 001 and 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 15	Effluent discharging from Outfall 001 (PC001)	Iron	2.28	mg/L
Sample 16	Effluent discharging from Outfall 006 (PC006)	Chloride	1750	
		Sulfate	2030	

Sample 17	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1340	mg/L
		Hardness	259	
		Sulfate	1560	
		Iron	1.33	

55. On or about March 3, 2021, Defendant notified Illinois EPA in writing that “the time period for bypass discharges must be extended [from March 5, 2021] to March 13, 2021.”

56. On or about March 29, 2021, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on April 5-24, 2021.

57. On April 7, 2021, Illinois EPA conducted an inspection of the Facility.

58. On April 7, 2021, slightly turbid water with a distinct mine water odor was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

59. On April 7, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a slight mine water odor.

60. On April 7, 2021, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 18	Effluent discharging from Outfall 006 (PC006)	Chloride	1730	mg/L
		Sulfate	2080	
Sample 19	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1720	
		Hardness	332	
		Sulfate	2060	

61. On June 15, 2021, Illinois EPA conducted an inspection of the Facility.

62. On June 15, 2021, slightly turbid water with a distinct mine water odor was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

63. On June 15, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly

turbid and had a slight mine water odor.

64. On June 15, 2021, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 20	Effluent discharging from Outfall 006 (PC006)	Chloride	1800	mg/L
		Sulfate	2060	
Sample 21	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1770	
		Hardness	332	
		Sulfate	2030	

65. On or about July 21, 2021, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on July 26-31, 2021 and August 1-14, 2021.

66. On July 28, 2021, Illinois EPA conducted an inspection of the Facility.

67. On July 28, 2021, slightly turbid water with a distinct mine water odor was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

68. On July 28, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a slight mine water odor.

69. On July 28, 2021, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 22	Effluent discharging from Outfall 006 (PC006)	Chloride	5190	mg/L
		Sulfate	6010	
Sample 23	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	5240	
		Hardness	301	
		Sulfate	6050	

70. On or about September 21, 2021, Defendant notified Illinois EPA in writing that

Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on September 27-30, 2021 and October 1-16, 2021.

71. On October 13, 2021, Illinois EPA conducted an inspection of the Facility.

72. On October 13, 2021, slightly turbid water with a distinct mine water odor was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

73. On October 13, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a slight mine water odor.

74. On October 13, 2021, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 24	Effluent discharging from Outfall 006 (PC006)	Chloride	1840	mg/L
		Sulfate	1960	
Sample 25	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1780	
		Hardness	316	
		Sulfate	1910	

75. On or about December 1, 2021, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on December 6-8 and 10-22, 2021.

76. On or about December 2, 2021, Defendant submitted a revised bypass notification to Illinois EPA that added December 9, 2021, as an anticipated date of bypass.

77. On December 15, 2021, Illinois EPA conducted an inspection of the Facility.

78. On December 15, 2021, slightly turbid water with a distinct mine water odor was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

79. On December 15, 2021, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a slight mine water odor.

80. On December 15, 2021, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 26	Effluent discharging from Outfall 006 (PC006)	Chloride	1900	mg/L
		Sulfate	1870	
Sample 27	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1770	
		Hardness	281	
		Sulfate	1750	

81. On or about January 24, 2022, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on January 31, 2022 and February 1-19, 2022.

82. On or about March 14, 2022, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on March 21-31, 2022 and April 1-9, 2022.

83. On or about May 10, 2022, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on May 17-31, 2022 and June 1-5, 2022.

84. On or about September 2, 2022, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on September 12-30, 2022 and October 1, 2022.

85. On September 13, 2022, Illinois EPA conducted an inspection of the Facility.

86. On September 13, 2022, slightly turbid water with a strong mine water odor was discharging from Outfall 006 at a rate of approximately 8,500 gallons per minute.

87. On September 13, 2022, Pond Creek Tributary No. 1 at Dean Road Bridge was slightly turbid and had a mine water odor.

88. On September 13, 2022, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 28	Effluent discharging from Outfall 006 (PC006)	Chloride	1990	mg/L
		Sulfate	1460	
Sample 29	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	1920	
		Hardness	222	
		Sulfate	1400	

89. On or about October 31, 2022, Defendant notified Illinois EPA in writing that Defendant expected “to incur an unavoidable bypass of its outfall structure at Pond 006” on November 7-22, 2022.

90. On November 15, 2022, Illinois EPA conducted an inspection of the Facility.

91. On November 15, 2022, dark, turbid water with a strong mine water odor was discharging from Outfall 006 at a rate of approximately 6,000 gallons per minute.

92. On November 15, 2022, Pond Creek Tributary No. 1 at Dean Road Bridge was dark, turbid, and had a slight mine water odor.

93. On November 15, 2022, Illinois EPA collected water samples from effluent discharging from Outfall 006 and from receiving waters downstream. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 30	Effluent discharging from Outfall 006 (PC006)	Chloride	2310	mg/L
		Sulfate	1410	
Sample 31	Pond Creek Tributary No. 1 underneath Dean Road Bridge (PCDR)	Chloride	2250	
		Hardness	261	
		Sulfate	1370	

94. Between August 2020 and December 2021, DMRs submitted by Defendant to Illinois EPA reported the following discharges:

<u>Date</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Result</u>	<u>Type of Limit</u>
8/31/2020	006	Chloride	1550	Daily Maximum (mg/L)
		Sulfate	1193	
12/31/2020	006	Chloride	1841	
		Sulfate	1636	
1/31/2021	006	Chloride	1569	
		Sulfate	1519	
2/28/2021	006	Chloride	2025	
		Sulfate	1534	
3/31/2021	006	Chloride	1701	
		Sulfate	1558	
4/30/2021	006	Chloride	1952	
		Sulfate	1574	
6/30/2021	006	Chloride	2046	
		Sulfate	1539	
7/31/2021	006	Chloride	1974	
		Sulfate	1488	
8/31/2021	006	Chloride	1979	
		Sulfate	1494	
9/30/2021	006	Chloride	2274	
		Sulfate	1333	
10/31/2021	006	Chloride	2106	
		Sulfate	1454	
12/31/2021	006	Chloride	2017	
		Sulfate	1380	

95. 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.

96. 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.

97. 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).

98. 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.

99. Mine drainage, including but not limited to acid mine drainage and alkaline mine drainage, is a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

100. 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.

101. 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.

102. Pond Creek Tributary No. 1, Pond Creek Tributary No. 2, and Pond Creek constitute “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

103. Defendant’s discharges of acid mine drainage and alkaline mine drainage containing settleable solids and elevated levels of chloride, sulfate, and/or iron created or were likely to create a nuisance, or rendered or were 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 constitute “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

104. On or before August 29, 2019, and on August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, December 15, 2021, September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, 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) (2020).

105. 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, WILLIAMSON 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 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

Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 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) (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

1-102. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 94 and 96 through 103 of Count I as paragraphs 1 through 102 of this Count II.

103. 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.

104. At dates and times better known to Defendant, Defendant deposited contaminants upon the land, including in refuse disposal areas and sedimentation ponds, in such place and manner so as to create a water pollution hazard.

105. By depositing contaminants upon the land in such 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).

106. 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, WILLIAMSON 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 the deposition of contaminants so as to create a water pollution hazard;

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) (2020), 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) (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 THE 2013 NPDES PERMIT

1-89. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 82, 94, 96 through 99, 101, and 102 of Count I as paragraphs 1 through 89 of this Count III.

90. At all times relevant to the Complaint, Defendant failed to monitor, record, and/or

report the August 2019 Discharge on a DMR form submitted to Illinois EPA.

91. At times better known to Defendant, Defendant became aware of the August 2019 Discharge, which endangered or likely endangered health or the environment, but failed to notify Illinois EPA (a) orally within 24 hours of becoming aware of such discharge or (b) in writing within 5 days of becoming aware of such discharge.

92. 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.

93. Section 309.102(a) of the Illinois Pollution Control Board’s (“Board”) 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.

94. Section 301.240 of the Board’s regulations, 35 Ill. Adm. Code 301.240, provides as follows:

“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.)

95. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), provides as follows:

(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.

96. The Facility’s permitted outfalls are “point sources” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

97. Section 403.102 of the Board’s regulations, 35 Ill. Adm. Code 403.102, provides, in pertinent part, as follows:

The discharge of contaminants or pollutants by any person into the waters of the State from a point source or into a well is unlawful, except when complying with provisions of the Act, Board regulations . . . and the provisions and conditions of the discharger's NPDES permit.

98. Section 305.102(b) of the Board’s regulations, 35 Ill. Adm. Code 305.102(b), provides as follows:

b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

99. The 2013 Permit limits the daily maximum concentration of the following parameters in acid mine drainage effluent discharges, including discharges from Outfall 006 (“Acid Mine Drainage Effluent Limitations”):

<u>Constituent</u>	<u>Unit</u>	<u>Standard</u>
Chloride	mg/L	500
Sulfate	mg/L	500

100. Special Condition 3 of the 2013 Permit provides, in pertinent part, as follows:

The permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each discharge each month. The Discharge Monitoring Report forms shall be submitted to the Agency. . . .

101. Standard Condition 12(f) of the 2013 Permit provides, in pertinent part, as follows:

Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. . . .

102. Standard Condition 13(a)(1) of the 2013 Permit¹ provides as follows:

(a) Definitions.

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

103. Pond 006 and Outfall 006 constitute a “treatment facility” as that term is used in Standard Condition 13(a)(1) of the 2013 Permit.

104. Defendant’s intentional diversion of waste streams by pumping wastewater from collection ditches and RDAs to Pond 006 and discharge of such waste streams through Outfall 006 constitute a “bypass” as that term is used in Standard Condition 13(a)(1) of the 2013 Permit.

105. Standard Condition 13(c) and (d) of the 2013 Permit provides, in pertinent part, as follows:

(c) Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

* * *

(d) Prohibition of bypass.

(1) Bypass is prohibited, and the Agency may take enforcement

¹ See also 40 C.F.R. § 122.41(m).

action against a permittee for bypass, unless:

- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of a reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The permittee submitted notices as required under paragraph 13(c).
- (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph 13(d)(1).

106. On or before August 29, 2019, and on August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, and December 15, 2021, and at other dates and times better known to Defendant, Defendant discharged effluent from Outfall 006 containing concentrations of chloride above 500 milligrams per liter (“mg/L”), and thereby violated the Acid Mine Drainage Effluent Limitations of the 2013 Permit.

107. On or before August 29, 2019, and on August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, and December 15, 2021, and at other dates and times better known to Defendant, Defendant discharged effluent from Outfall 006 containing concentrations of sulfate above 500 mg/L, and thereby violated the Acid Mine Drainage Effluent Limitations of the 2013 Permit.

108. By failing to monitor, record, and/or report the August 2019 Discharge on a DMR

form submitted to Illinois EPA, Defendant violated Special Condition 3 of the 2013 Permit.

109. By failing to orally report the August 2019 Discharge to Illinois EPA within 24 hours of becoming aware of such discharge, Defendant violated Standard Condition 12(f) of the 2013 Permit.

110. By failing to report the August 2019 Discharge to Illinois EPA in writing within 5 days of becoming aware of such discharge, Defendant violated Standard Condition 12(f) of the 2013 Permit.

111. By failing to comply with monitoring, sampling, recording, and/or reporting requirements set forth in Special Condition 3 and Standard Condition 12(f) of the 2013 Permit, Defendant violated Section 305.102(b) of the Board's regulations, 35 Ill. Adm. Code 305.102(b).

112. Defendant's bypasses were not otherwise unavoidable or lacking in feasible alternatives, were known of and planned in advance by Defendant, were not approved by Illinois EPA, and were therefore prohibited under the 2013 Permit.

113. On or about August 1-8, 2020, December 1-8, 2020, January 1-9, 2021, February 10-19 and 24-28, 2021, March 1-4 and 6-12, 2021, April 5-7, 2021, June 15, 2021, July 26-30, 2021, September 27-30, 2021, December 6-10, 2021, January 31, 2022, February 1 and 2, 2022, and March 21-23, 2022, and at other dates and times better known to Defendant, Defendant caused or allowed an anticipated bypass without providing prior notice to Illinois EPA at least ten days before the date of the anticipated bypass, and thereby violated Standard Condition 13(c)(1) of the 2013 Permit.

114. On or about August 1-8, 13-14, 20-21, and 27-28, 2020, December 1-8, 2020, January 1-10, 2021, February 10-19 and 24-28, 2021, March 1-13, 2021, April 5-24, 2021, June 15, 2021, July 26-31, 2021, August 1-14, 2021, September 27-30, 2021, October 1-16, 2021,

December 6-22, 2021, January 31, 2022, February 1-19, 2022, March 21-31, 2022, and April 1-9, 2022, and at other dates and times better known to Defendant, Defendant caused or allowed a prohibited bypass, and thereby violated Standard Condition 13(d) of the 2013 Permit.

115. By discharging a contaminant from a point source into waters of the State in violation of Special Condition 3, Standard Condition 12(f), Standard Condition 13(c)(1) and (d), and the Acid Mine Drainage Effluent Limitations of the 2013 Permit, Defendant violated Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102.

116. By causing, threatening, or allowing 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 the terms or conditions imposed by the 2013 Permit, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

117. 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, WILLIAMSON ENERGY, LLC, on Count III:

A. Finding that the Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 305.102(b), 309.102(a), and 403.102 of the Board's regulations, 35 Ill. Adm. Code 305.102(b), 309.102(a), and 403.102, and Special Condition 3, Standard Condition 12(f), Standard Condition 13(c)(1) and (d), and the Acid Mine Drainage Effluent Limitations of the 2013 Permit;

B. Enjoining the Defendant from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 305.102(b), 309.102(a), and 403.102 of the Board's regulations, 35 Ill. Adm. Code 305.102(b), 309.102(a), and 403.102, and Special Condition 3, Standard Condition 12(f), Standard Condition 13(c)(1) and (d), and the Acid Mine Drainage Effluent Limitations of the 2013 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), Sections 305.102(b), 309.102(a), and 403.102 of the Board's regulations, 35 Ill. Adm. Code 305.102(b), 309.102(a), and 403.102, and Special Condition 3, Standard Condition 12(f), Standard Condition 13(c)(1) and (d), and the Acid Mine Drainage Effluent Limitations of the 2013 Permit, including, but not limited to, ceasing and desisting from bypassing treatment facilities and discharging effluent containing concentrations of chloride and sulfate in excess of permitted limits;

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), Sections 305.102(b), 309.102(a), and 403.102 of the Board's regulations, 35 Ill. Adm. Code 305.102(b), 309.102(a), and 403.102, and Special Condition 3, Standard Condition 12(f), Standard Condition 13(c)(1) and (d), and the Acid Mine Drainage Effluent Limitations of the 2013 Permit, 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
DISCHARGES IN VIOLATION OF THE 2022 NPDES PERMIT

1-39. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 16, 83 through 93, 96 through 99, 101, and 102 of Count I and paragraphs 92 through 97 of Count III as paragraphs 1 through 39 of this Count IV.

40. The 2022 Permit limits the daily maximum concentration of the following parameters in acid mine drainage effluent discharges, including discharges from Outfall 006 (“Acid Mine Drainage Effluent Limitations”):

<u>Constituent</u>	<u>Unit</u>	<u>Standard</u>
Chloride	mg/L	500
Sulfate	mg/L	1250

41. Standard Condition 13(a)(1) of the 2022 Permit² provides as follows:

(a) Definitions.

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

42. Pond 006 and Outfall 006 constitute a “treatment facility” as that term is used in Standard Condition 13(a)(1) of the 2022 Permit.

43. Defendant’s intentional diversion of waste streams by pumping wastewater from collection ditches and RDAs to Pond 006 and discharge of such waste streams through Outfall 006 constitute a “bypass” as that term is used in Standard Condition 13(a)(1) of the 2022 Permit.

44. Standard Condition 13(c) and (d) of the 2022 Permit provides, in pertinent part, as follows:

(c) Notice

(1) Anticipated bypass. If the permittee knows in advance of the

² See also 40 C.F.R. § 122.41(m).

need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

* * *

- (d) Prohibition of bypass.
 - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of a reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The permittee submitted notices as required under paragraph 13(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph 13(d)(1).

45. On September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, Defendant discharged effluent from Outfall 006 containing concentrations of chloride above 500 mg/L, and thereby violated the Acid Mine Drainage Effluent Limitations of the 2022 Permit.

46. On September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, Defendant discharged effluent from Outfall 006 containing concentrations of sulfate above 1250 mg/L, and thereby violated the Acid Mine Drainage Effluent Limitations of the 2022 Permit.

47. Defendant's bypasses were not otherwise unavoidable or lacking in feasible alternatives, were known of and planned in advance by Defendant, were not approved by Illinois EPA, and were therefore prohibited under the 2022 Permit.

48. On or about May 17-19, 2022, and November 7-9, 2022, and at other dates and times better known to Defendant, Defendant caused or allowed an anticipated bypass without providing prior notice to Illinois EPA at least ten days before the date of the anticipated bypass, and thereby violated Standard Condition 13(c)(1) of the 2022 Permit.

49. On or about May 17-31, 2022, June 1-5, 2022, September 12-30, 2022, October 1, 2022, and November 7-22, 2022, and at other dates and times better known to Defendant, Defendant caused or allowed a prohibited bypass, and thereby violated Standard Condition 13(d) of the 2022 Permit.

50. By discharging a contaminant from a point source into waters of the State in violation of Standard Condition 13(c)(1) and (d) and the Acid Mine Drainage Effluent Limitations of the 2022 Permit, Defendant violated Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102.

51. By causing, threatening, or allowing 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 the terms or conditions imposed by the 2022 Permit, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

52. 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, WILLIAMSON ENERGY, LLC, on Count IV:

A. Finding that the Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 13(c)(1) and (d) and the Acid Mine Drainage Effluent Limitations of the 2022 Permit;

B. Enjoining the Defendant from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 13(c)(1) and (d) and the Acid Mine Drainage Effluent Limitations of the 2022 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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 13(c)(1) and (d) and the Acid Mine Drainage Effluent Limitations of the 2022 Permit, including, but not limited to, ceasing and desisting from bypassing treatment facilities and discharging effluent containing concentrations of chloride and sulfate in excess of permitted limits;

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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 13(c)(1) and (d) and the Acid Mine Drainage Effluent Limitations of the 2022 Permit, 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 V
VIOLATION OF EFFLUENT STANDARD: OFFENSIVE DISCHARGE

1-101. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 99, 101, and 102 of Count I and as paragraphs 1 through 101 of this Count V.

102. Section 402.101 of the Board’s regulations, 35 Ill. Adm. Code 402.101, provides, in pertinent part:

* * *

“Mine Discharge”: any point source discharge, whether natural or man-made, from a mine related facility. . . . The term mine discharge includes surface runoff discharged from a sedimentation pond. . . .

* * *

103. Defendant’s discharges of mine drainage, including but not limited to acid mine drainage and alkaline mine drainage, from any point source or outfall constitute “mine discharges,” as that term is defined in Section 402.101 of the Board’s regulations, 35 Ill. Adm. Code 402.101.

104. Section 406.107 of the Board’s regulations, 35 Ill. Adm. Code 406.107, provides as follows:

In addition to the other requirements of Subtitle D, mine discharge effluent must not contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids. Color, odor, and turbidity must be reduced below obvious levels.

105. On or before August 29, 2019, and on August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13,

2021, December 15, 2021, September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, Defendant discharged mine effluent containing obvious levels of odor and/or turbidity, and thereby violated Section 406.107 of the Board's regulations, 35 Ill. Adm. Code 406.107.

106. By causing, threatening, or allowing the discharge of a contaminant into the environment so as to violate regulations or standards adopted by the Board, Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

107. 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, WILLIAMSON 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 406.107 of the Board's regulations, 35 Ill. Adm. Code 406.107;

B. Enjoining the Defendant from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 406.107 of the Board's regulations, 35 Ill. Adm. Code 406.107;

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 406.107 of the Board's regulations, 35 Ill. Adm. Code 406.107, including, but not limited to, ceasing and desisting from discharging mine effluent containing obvious levels of odor and/or turbidity;

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 406.107 of the Board's regulations, 35 Ill. Adm. Code 406.107, 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) (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
VIOLATION OF WATER QUALITY STANDARDS

1-109. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 99, 101, and 102 of Count I, paragraphs 92 through 97 of Count III, and paragraphs 102 and 103 of Count V as paragraphs 1 through 109 of this Count VI.

110. Section 302.201 of the 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).

111. Pond Creek Tributary No. 1, Pond Creek Tributary No. 2, and Pond Creek are waters of the State for which there is no specific designation.

112. 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. . . .

113. Section 302.208(d) of the Board's regulations, 35 Ill. Adm. Code 302.208(d), provides, in pertinent part, as follows:

The standard for the chemical constituents of subsections (g) and (h) shall not be exceeded at any time except for those waters in which the Agency has approved a mixing zone or in which mixing is allowed pursuant to Section 302.102.

114. Illinois EPA has not approved any mixing zones for Facility discharges from Outfalls 001 through 008.

115. Section 302.208(g) of the Board's regulations, 35 Ill. Adm. Code 302.208(g), provides, in pertinent part, as follows:

g) Single-value standards apply at the following concentrations for these substances:

<u>Constituent</u>	<u>Unit</u>	<u>Standard</u>
***	***	***
Chloride (total)	mg/L	500
Iron (dissolved)	mg/L	1.0
***	***	***

116. Section 302.208(h)(2)(A) of the Board's regulations, 35 Ill. Adm. Code 302.208(h)(2)(A), provides, in pertinent part, as follows:

h) Water quality standards for sulfate are as follows:

* * *

2) The results of the following equations provide sulfate water quality standards in mg/L for the specified ranges of hardness (in mg/L as CaCO₃) and chloride (in mg/L) and must be met at all times:

A) If the hardness concentration of receiving waters is greater than or equal to 100 mg/L but less than or equal to 500 mg/L, and if the chloride concentration of waters is greater than or equal to 25 mg/L but less than or equal to 500 mg/L, then:

$$C = [1276.7 + 5.508 (\text{hardness}) - 1.457 (\text{chloride})] * 0.65$$

where:

C = sulfate concentration

* * *

117. Section 406.202 of the Board's regulations, 35 Ill. Adm. Code 406.202, provides, in pertinent part, as follows:

In addition to the other requirements of this Part, no mine discharge or non-point source mine discharge shall, alone or in combination with other sources, cause a violation of any water quality standards of 35 Ill. Adm. Code 302 or 303. . . .

118. Special Condition 1 of the 2013 Permit and the 2022 Permit provides as follows:

No effluent from any mine related facility area under this permit shall, alone or in combination with other sources, cause a violation of any applicable water quality standard as set out in the Illinois Pollution Control Board Rules and Regulations, Subtitle C: Water Pollution.

119. On or before August 29, 2019, and on August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, December 15, 2021, September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, Defendant discharged acid mine drainage and/or alkaline mine drainage that caused color and turbidity of other than natural origin 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.

120. On December 4, 2020, January 5, 2021, February 10, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, December 15, 2021, September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, Defendant discharged acid mine drainage and/or alkaline mine drainage that caused mine water odors 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.

121. The following sample taken from Pond Creek Tributary No. 2 immediately downstream from Outfall 006 contained concentrations of chloride exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Chloride Concentration (mg/L)</u>	<u>Water Quality Standard (mg/L)</u>
1	8/29/2019	1140	500

122. The following sample taken from Pond Creek immediately west of Liberty School Road contained concentrations of chloride exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Chloride Concentration (mg/L)</u>	<u>Water Quality Standard (mg/L)</u>
5	8/6/2020	1330	500

123. The following samples taken from Pond Creek Tributary No. 1 underneath the Dean Road Bridge contained concentrations of chloride exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Chloride Concentration (mg/L)</u>	<u>Water Quality Standard (mg/L)</u>
2	8/29/2019	1150	500
4	8/6/2020	1350	
7	12/4/2020	1770	
9	1/5/2021	1510	
11	2/10/2021	1760	
14	2/24/2021	1340	
17	2/26/2021	1340	
19	4/7/2021	1720	
21	6/15/2021	1770	
23	7/28/2021	5240	
25	10/13/2021	1780	

27	12/15/2021	1770	500
29	9/13/2022	1920	
31	11/15/2022	2250	

124. The following sample taken from Pond Creek Tributary No. 2 immediately downstream from Outfall 006 contained concentrations of sulfate exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Sulfate Concentration (mg/L)</u>	<u>Water Quality Standard (mg/L)</u>
1	8/29/2019	1780	1179

125. The following sample taken from Pond Creek immediately west of Liberty School Road contained concentrations of sulfate exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Sulfate Concentration (mg/L)</u>	<u>Water Quality Standard (mg/L)</u>
5	8/6/2020	1940	883

126. The following samples taken from Pond Creek Tributary No. 1 underneath the Dean Road Bridge contained concentrations of sulfate exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Sulfate Concentration (mg/L)</u>	<u>Water Quality Standard (mg/L)</u>
2	8/29/2019	1790	1391
4	8/6/2020	1950	883
7	12/4/2020	2150	1294
9	1/5/2021	1850	1401
11	2/10/2021	2040	1494
14	2/24/2021	1560	1330
17	2/26/2021	1560	1284
19	4/7/2021	2060	1545

21	6/15/2021	2030	1544
23	7/28/2021	6050	1433
25	10/13/2021	1910	1487
27	12/15/2021	1750	1366
29	9/13/2022	1400	1151
31	11/15/2022	1370	1290

127. The following samples taken from Pond Creek Tributary No. 1 underneath the Dean Road Bridge contained concentrations of iron exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Iron Concentration (mg/L)</u>	<u>Water Quality Standard (mg/L)</u>
11	2/10/2021	1.63	1.0
14	2/24/2021	1.94	
17	2/26/2021	1.33	

128. On or before August 29, 2019, and on August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, December 15, 2021, September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, Defendant's discharge of acid mine drainage and/or alkaline mine drainage into waters of the State caused exceedances of the applicable water quality standard for chloride, 35 Ill. Adm. Code 302.208(g).

129. On or before August 29, 2019, and on August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, December 15, 2021, September 13, 2022, and November 15, 2022, and at other dates and times better known to Defendant, Defendant's discharge of acid mine drainage and/or alkaline mine drainage into waters of the State caused exceedances of the applicable water quality standard for sulfate, 35 Ill. Adm. Code 302.208(h).

130. On February 10, 24, and 26, 2021, and at other dates and times better known to Defendant, Defendant's discharge of acid mine drainage and/or alkaline mine drainage into waters of the State caused exceedances of the applicable water quality standard for iron, 35 Ill. Adm. Code 302.208(g).

131. By causing an exceedance of applicable water quality standards set out in Section 302.208(g) and (h) of the Board's regulations, 35 Ill. Adm. Code 302.208(g) and (h), Defendant violated Section 302.208(d) of the Board's regulations, 35 Ill. Adm. Code 302.208(d).

132. By discharging "mine discharges" that caused violations of water quality standards codified at 35 Ill. Adm. Code Part 302, Defendant violated Section 406.202 of the Board's regulations, 35 Ill. Adm. Code 406.202.

133. By discharging effluent from a mine related facility area under the 2013 Permit that caused a violation of an applicable water quality standard set out in Subtitle C of the Illinois Pollution Control Board Rules and Regulations, Defendant violated Special Condition 1 of the 2013 Permit.

134. By discharging effluent from a mine related facility area under the 2022 Permit that caused a violation of an applicable water quality standard set out in Subtitle C of the Illinois Pollution Control Board Rules and Regulations, Defendant violated Special Condition 1 of the 2022 Permit.

135. By discharging a contaminant from a point source into waters of the State in violation of Special Condition 1 of the 2013 Permit and Special Condition 1 of the 2022 Permit, Defendant violated Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102.

136. By causing, threatening, or allowing the discharge of a contaminant into the

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

137. By causing, threatening, or allowing the discharge of a contaminant into waters of the State in violation of regulations adopted by the Board with respect to the NPDES program, the terms or conditions imposed by the 2013 Permit, and the terms or conditions imposed by the 2022 Permit, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

138. 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, WILLIAMSON ENERGY, LLC, on Count VI:

A. Finding that the Defendant violated Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), Sections 302.203, 302.208(d), 309.102(a), 403.102, and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.203, 302.208(d), 309.102(a), 403.102, and 406.202, Special Condition 1 of the 2013 Permit, and Special Condition 1 of the 2022 Permit;

B. Enjoining the Defendant from further violation of Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), Sections 302.203, 302.208(d), 309.102(a), 403.102, and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.203, 302.208(d), 309.102(a), 403.102, and 406.202, Special Condition 1 of the 2013 Permit, and Special Condition 1 of the 2022 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(a) and (f) of the Act,

415 ILCS 5/12(a) and (f) (2020), Sections 302.203, 302.208(d), 309.102(a), 403.102, and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.203, 302.208(d), 309.102(a), 403.102, and 406.202, Special Condition 1 of the 2013 Permit, and Special Condition 1 of the 2022 Permit, including, but not limited to, ceasing and desisting from causing exceedances 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, 302.208(d), and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.203, 302.208(d), and 406.202, 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) (2020);

E. 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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, Special Condition 1 of the 2013 Permit, and Special Condition 1 of the 2022 Permit, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2020);

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

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

COUNT VII
FAILURE TO COMPLY WITH GOOD MINING PRACTICES

1-106. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 94, 96 through 99, 101, and 102 of Count I and paragraphs 92 through 97 of Count III as paragraphs 1 through 106 of this Count VII.

107. Section 406.204(b) of the Board's regulations, 35 Ill. Adm. Code 406.204(b),

provides, in pertinent part, as follows:

Good mining practices are designed to minimize discharge of total dissolved solids, chloride, sulfate, iron, and manganese. The Agency must consider whether the operator is using the following good mining practices:

* * *

- b) Retention and control of waters exposed to disturbed materials (Section 406.206);

* * *

108. Section 406.206 of the Board's regulations, 35 Ill. Adm. Code 406.206, provides as follows:

The Agency must consider the following to determine whether the operator's practices retain and control waters exposed to disturbed materials:

* * *

- d) Minimum Exposure of Waters to Disturbed Materials:
 - 1) Applying water management practices, either continuously or at frequent intervals, to minimize water contact with disturbed materials.
 - 2) Preventing water accumulation in active pits, benches, terraces, roads, processing areas, surface depressions, and underground mine workings and cavities where contaminants will be dissolved.
 - 3) Promptly removing water to diversions and appropriate impoundments to minimize additional loadings of total dissolved solids.

109. Standard Condition 27 of the 2013 Permit and the 2022 Permit provides, in pertinent part, as follows:

The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E. . . .

110. Defendant failed to adequately retain and control on-site waters exposed to disturbed materials, resulting in the discharges observed by Illinois EPA on August 29, 2019, August 6, 2020, December 4, 2020, January 5, 2021, February 10, 24, and 26, 2021, April 7, 2021, June 15, 2021, July 28, 2021, October 13, 2021, December 15, 2021, September 13, 2022, and November 15, 2022, and Illinois EPA determined that Defendant failed to comply with the Good Mining Practices of Sections 406.204(b) and 406.206 of the Board's regulations, 35 Ill. Adm. Code 406.204(b) and 406.206.

111. Because Defendant failed to comply with the Good Mining Practices of Section 406.204(b) and 406.206 of the Board's regulations, 35 Ill. Adm. Code 406.204(b) and 406.206, Defendant failed to comply with an applicable provision of 35 Ill. Adm. Code Subtitle D, and thereby violated Standard Condition 27 of the 2013 Permit and Standard Condition 27 of the 2022 Permit.

112. By discharging a contaminant from a point source into waters of the State in violation of Standard Condition 27 of the 2013 Permit and Standard Condition 27 of the 2022 Permit, Defendant violated Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102.

113. By causing, threatening, or allowing the discharge of a contaminant into waters of the State in violation of regulations adopted by the Board with respect to the NPDES program, the terms or conditions imposed by the 2013 Permit, and the terms or conditions imposed by the 2022 Permit, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

114. 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, WILLIAMSON ENERGY, LLC, on Count VII:

A. Finding that the Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, Standard Condition 27 of the 2013 Permit, and Standard Condition 27 of the 2022 Permit;

B. Enjoining the Defendant from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, Standard Condition 27 of the 2013 Permit, and Standard Condition 27 of the 2022 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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, Standard Condition 27 of the 2013 Permit, and Standard Condition 27 of the 2022 Permit, including, but not limited to, and ceasing and desisting from failing to comply with the good mining practices of Section 406.204 of the Board's regulations, 35 Ill. Adm. Code 406.204;

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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, Standard Condition 27 of the 2013 Permit, and Standard Condition 27 of the 2022 Permit, 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 VIII
WATER POLLUTION (RDA 3 COLLECTION DITCH)

1-24. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 16 and 95 through 102 of Count I as paragraphs 1 through 24 of this Count VIII.

25. On January 7, 2022, Defendant notified Illinois EPA by telephone that an unauthorized discharge had occurred from the eastern collection ditch of Refuse Disposal Area 3 (“RDA 3”).

26. On January 8, 2022, Illinois EPA conducted an inspection of the Facility.

27. On January 8, 2022, a blockage in the eastern collection ditch of RDA 3 was causing mine drainage to overtop the berm of the collection ditch. The location where mine drainage was overtopping the berm of the collection ditch is not a permitted outfall under the 2013 Permit.

28. On January 8, 2022, mine drainage overtopping the berm of the collection ditch entered a small ditch (the “Ditch”), drained eastward, and discharged into an unnamed tributary of Pond Creek (“Pond Creek Tributary No. 3”) at approximately 10 gallons per minute.

29. On January 8, 2022, representatives of Defendant were conducting activities on site in attempt to remove the blockage in the eastern collection ditch and prevent the discharge of mine drainage to Pond Creek Tributary No. 3.

30. On January 8, 2022, Illinois EPA collected water samples from the Ditch and Pond Creek Tributary No. 3. Laboratory analysis of such samples provided the following results:

<u>ID</u>	<u>Location</u>	<u>Parameter</u>	<u>Result</u>	<u>Unit</u>
Sample 32	The Ditch immediately upstream of Pond Creek Tributary No. 3 (PCRDA3)	Chloride	869	mg/L
Sample 33	Pond Creek Tributary No. 3 approximately 500 feet downstream from Sample 32 location (PCRDA3DS)	Chloride	45.3	mg/L
Sample 34	Pond Creek Tributary No. 3 immediately upstream of Dean Road culvert (PCRDA3DR)	Chloride	199	mg/L

31. Pond Creek Tributary No. 3 and the Ditch constitute “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

32. Defendant’s discharge of mine drainage containing settleable solids and elevated levels of chloride 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 (2020).

33. On January 7 and 8, 2022, and at other dates and times better known to Defendant, 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) (2020).

34. 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, WILLIAMSON ENERGY, LLC, on Count VIII:

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 Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 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) (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 IX
WATER POLLUTION HAZARD (RDA 3 COLLECTION DITCH)

1-33. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 16 and 95 through 102 of Count I, paragraph 103 of Count II, and paragraphs 25 through 32 of Count

VIII as paragraphs 1 through 33 of this Count IX.

34. On January 7 and 8, 2022, and at other dates and times better known to Defendant, Defendant deposited contaminants upon the land, including in refuse disposal areas and collection ditches, in such place and manner so as to create a water pollution hazard.

35. By depositing contaminants upon the land in such 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).

36. 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, WILLIAMSON ENERGY, LLC, on Count IX:

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 the deposition of contaminants so as to create a water pollution hazard;

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) (2020), 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) (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 X
UNPERMITTED DISCHARGE (RDA 3 COLLECTION DITCH)

1-35. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 16, 96 through 99, 101, and 102 of Count I, paragraphs 92 through 97 of Count III, and paragraphs 25 through 31 of Count VIII as paragraphs 1 through 35 of this Count X.

36. The location where mine drainage was overtopping the berm of the collection ditch is a “point source” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

37. By discharging contaminants from an unpermitted point source into waters of the State, Defendant violated Sections 309.102(a) and 403.102 of the Board’s regulations, 35 Ill. Adm. Code 309.102(a) and 403.102.

38. By causing, threatening, or allowing 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 without an NPDES permit issued by Illinois EPA for point source discharges, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

39. 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, WILLIAMSON ENERGY, LLC, on Count X:

A. Finding that the Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), and Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102;

B. Enjoining the Defendant from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), and Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102;

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), and Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, including, but not limited to, ceasing and desisting from discharging contaminants from unpermitted point sources;

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), and Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, 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 XI
VIOLATION OF WATER QUALITY STANDARDS (RDA 3 COLLECTION DITCH)

1-44. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 16, 95 through 99, 101, and 102 of Count I, paragraphs 92 through 97 of Count III, paragraphs 102 and 103 of Count V, paragraphs 110, 113 through 115, 117, and 118 of Count VI, and paragraphs 25 through 31 of Count VIII as paragraphs 1 through 44 of this Count XI.

45. The Ditch and Pond Creek Tributary No. 3 are waters of the State for which there is no specific designation.

46. The following sample taken from the Ditch immediately upstream from Pond Creek Tributary No. 3 contained concentrations of chloride exceeding the applicable water quality standard:

<u>Sample No.</u>	<u>Date</u>	<u>Chloride Concentration</u> (mg/L)	<u>Water Quality Standard</u> (mg/L)
32	1/8/2022	869	500

47. On January 8, 2022, and at other dates and times better known to Defendant, Defendant's discharge of mine drainage into waters of the State caused exceedances of the applicable water quality standard for chloride, 35 Ill. Adm. Code 302.208(g).

48. By causing an exceedance of applicable water quality standards set out in Section 302.208(g) of the Board's regulations, 35 Ill. Adm. Code 302.208(g), Defendant violated Section 302.208(d) of the Board's regulations, 35 Ill. Adm. Code 302.208(d).

49. By discharging "mine discharges" that caused violations of water quality standards codified at 35 Ill. Adm. Code Part 302, Defendant violated Section 406.202 of the Board's regulations, 35 Ill. Adm. Code 406.202.

50. By discharging effluent from a mine related facility area under the 2013 Permit that

caused a violation of an applicable water quality standard set out in Subtitle C of the Illinois Pollution Control Board Rules and Regulations, Defendant violated Special Condition 1 of the 2013 Permit.

51. By discharging a contaminant from a point source into waters of the State in violation of Special Condition 1 of the 2013 Permit, Defendant violated Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102.

52. By causing, threatening, or allowing the discharge of a contaminant into the environment so as to violate regulations or standards adopted by the Board, Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

53. By causing, threatening, or allowing 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 the terms or conditions imposed by the 2013 Permit, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

54. 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, WILLIAMSON ENERGY, LLC, on Count XI:

A. Finding that the Defendant violated Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), Sections 302.208(d), 309.102(a), 403.102, and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.208(d), 309.102(a), 403.102, and 406.202, and Special

Condition 1 of the 2013 Permit;

B. Enjoining the Defendant from further violation of Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), Sections 302.208(d), 309.102(a), 403.102, and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.208(d), 309.102(a), 403.102, and 406.202, and Special Condition 1 of the 2013 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(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), Sections 302.208(d), 309.102(a), 403.102, and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.208(d), 309.102(a), 403.102, and 406.202, and Special Condition 1 of the 2013 Permit, including, but not limited to, ceasing and desisting from causing exceedances 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 302.208(d) and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.208(d) and 406.202, 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) (2020);

E. 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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Special Condition 1 of the 2013 Permit, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2020);

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

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

COUNT XII
FAILURE TO COMPLY WITH GOOD MINING PRACTICES
(RDA 3 COLLECTION DITCH)

1-38. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 16, 96 through 99, 101, and 102 of Count I, paragraphs 92 through 97 of Count III, paragraphs 107 through 109 of Count VII, and paragraphs 25 through 31 of Count VIII as paragraphs 1 through 38 of this Count XII.

39. Defendant failed to adequately retain and control on-site waters exposed to disturbed materials, resulting in the discharges observed by Illinois EPA on January 8, 2022, and Illinois EPA determined that Defendant failed to comply with the Good Mining Practices of Sections 406.204(b) and 406.206 of the Board's regulations, 35 Ill. Adm. Code 406.204(b) and 406.206.

40. Because Defendant failed to comply with the Good Mining Practices of Section 406.204(b) and 406.206 of the Board's regulations, 35 Ill. Adm. Code 406.204(b) and 406.206, Defendant failed to comply with an applicable provision of 35 Ill. Adm. Code Subtitle D, and thereby violated Standard Condition 27 of the 2013 Permit.

41. By discharging a contaminant from a point source into waters of the State in violation of Standard Condition 27 of the 2013 Permit, Defendant violated Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102.

42. By causing, threatening, or allowing 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 the terms or conditions imposed by the 2013 Permit, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

43. 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, WILLIAMSON ENERGY, LLC, on Count XII:

A. Finding that the Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 27 of the 2013 Permit;

B. Enjoining the Defendant from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 27 of the 2013 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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 27 of the 2013 Permit, including, but not limited to, and ceasing and desisting from failing to comply with the good mining practices of Section 406.204 of the Board's regulations, 35 Ill. Adm. Code 406.204;

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), Sections 309.102(a) and 403.102 of the Board's regulations, 35 Ill. Adm. Code 309.102(a) and 403.102, and Standard Condition 27 of the 2013 Permit, 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.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
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