

**IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)	
ex rel. JAMES E. RYAN, Attorney)	
General of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 2000 -CH-00458
)	
PETCO PETROLEUM CORPORATION)	
an Indiana corporation, and)	
JAY DOUGLAS BERGMAN,)	
)	
Defendants.)	

AMENDED COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

NOW COMES, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, by and through JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS DEPARTMENT OF NATURAL RESOURCES, OFFICE OF MINES AND MINERALS, and complains of the Defendants, PETCO PETROLEUM CORPORATION and JAY DOUGLAS BERGMAN, as follows:

COUNT I

PERMITTEE VIOLATIONS

1. This complaint is brought in the name of the People of the State of Illinois by the Attorney General of the State of Illinois at the request of the Illinois Department of Natural Resources, Office of Mines and Minerals (“Department”), pursuant to the Illinois Oil & Gas Act (the “Act”), 225 ILCS 725/1 *et seq.* (1998).

2. The Office of Mines and Minerals is the subdivision within the Department of Natural Resources responsible for the functions previously vested in the Illinois Department of Mines and Minerals, as outlined within Section 500 of the Department of Natural Resources Act. The Department is currently charged, *inter alia*, with the duty of enforcing the Act and all rules and regulations promulgated thereunder, pursuant to Section 3 of the Act, 225 ILCS 725/3 (1998).

3. Defendant, Petco Petroleum Corporation (“Petco”) is, and was at all times relevant herein, an Indiana corporation authorized to operate oil production and Class II UIC (injection) wells in accordance with permits issued by the Department pursuant to Subsection 6(2) of the Act, 225 ILCS 725/6(2) (1998). Petco’s business address is 108 East Ogden Avenue, Hinsdale, Illinois 60521. Petco has a certificate of authority from the Secretary of State authorizing it to transact business in the State of Illinois, as mandated by Section 13.05 of the Business Corporation Act of 1983, 805 ILCS 5/13.05 (1998), and is a corporation in good standing.

4. Jay Douglas Bergman is, and was at all times relevant herein, the president and registered agent of Petco Petroleum Corporation and Bergman Petroleum Corporation. Bergman is individually liable for the violations alleged herein as a responsible corporate officer.

5. Section 1 of the Act, 225 ILCS 725/1 (1998), provides the following relevant definitions:

“Person” means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind.

* * *

“Permittee” means the owner holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal and who is responsible for compliance with all statutory and regulatory requirements pertaining to the well.

* * *

“Waste” means “physical waste” as that term is generally understood in the oil and gas industry, and further includes:

(1) the locating, drilling and producing of any oil or gas well or wells drilled contrary to the valid order, rules and regulations adopted by the Department under the provisions of this Act;

(2) the unreasonable damage to underground, fresh or mineral waster supply . . . ;

* * *

(5) the unnecessary or excessive surface loss or destruction of oil or gas resulting from evaporation, seepage, leakage or fire . . . ;

* * *

(7) permitting unnecessary damage to or destruction of the surface, soil, animal, fish or aquatic life or property from oil or gas operations.

* * *

6. Section 1.1 of the Act, 225 ILCS 725/1.1 (1998), provides: “Waste as defined by this Act is prohibited.”

7. Section 10 of the Act, 225 ILCS 725/10 (1998), provides:

All final administrative decisions of the Department made on or after the effective date of this amendatory Act of 1988 are subject to judicial review under the Administrative Review Law as now or hereafter amended, and the rules adopted

under such Law. The term “administrative decision” is defined as in Section 3-101 of the Code of Civil Procedure.

* * *

8. Section 11 of the Act, 225 ILCS 725/11 (1998), provides:

Whenever it shall appear that any person is violating or threatening to violate any provision of this Act, or any rule or final administrative order made hereunder, the Department, through the Attorney General, who may call to his or her assistance the State’s Attorney of the county in which an action is instituted, shall bring an action in the name of the People of the State of Illinois against such person in the circuit court of the county wherein any part of the land or any activity which is the subject matter of such action is located, or a final administrative order was entered, to restrain such person from continuing such violation or from carrying out the threat of violation. In such action the Department, in the name of the People of the State of Illinois, may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, or other enforcement orders as the facts may warrant.

All remedies and penalties provided for in this Act shall be cumulative in effect and, accordingly, proceedings under this Section are in addition to, and not in lieu of other remedies and penalties provided for in this Act.

9. 62 Ill. Adm. Code 240.160(f) provides:

A Director’s decision not appealed in accordance with Section 240.180 within 30 days of service shall become final administrative decisions of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director’s decision.

10. Venue is appropriate in Sangamon County because the Director’s Decisions in Oil and Gas Case Numbers 26252, 26340, 27366, 27520, 27671, 28280, and 29310, were not appealed within thirty days of service and final administrative orders were issued in Sangamon

County by the Director of the Department against Petco. These Director's Decisions are attached in Exhibit 4, which is hereby incorporated by reference.

11. 62 Ill. Adm. Code 240.155 provides:

- a) The Department may elect to file an action with the Attorney General and not issue a notice of violation pursuant to Section 240.150.
- b) In accordance with Section 11 of the Act, the Department through the Attorney General shall bring an action in the name of the People of the State of Illinois against such person in the circuit court of the county wherein any part of the land or any activity which is the subject matter of such action is located, or a final administrative order was entered, to restrain such person from continuing such violation or from carrying out the threat of violation. In such action the Department, in the name of the People of the State of Illinois, may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, or other enforcement orders as the facts may warrant including but not limited to:
 - 1) an assessment of a \$1,000 civil penalty per documented event in the previous 2 years; and/or
 - 2) submission of a bond in accordance with Subpart O; and/or
 - 3) denial of new drilling and/or operating permits.
- c) The provisions of this Section, apply to the following:
 - 1) violations of any requirement of the Act which the Department determines creates a substantial and imminent danger to the health or safety of the public; or
 - 2) violations of the Act which pose an imminent danger of substantial environmental harm or cause environmental damage to property or contamination of surface or ground waters of the State as a result

of improper disposal, release, or discharge of produced fluid; or

- 3) if the permittee has shown a pattern of documented events involving improper disposal, release, or discharge of produced fluids within the previous 2 years from the date of the most recent event.

12. Petco has been a permittee of record, authorized to operate oil production and Class II UIC (injection) wells located in the State of Illinois, since October 20, 1988.

13. Petco is the permittee of record for 1,438 oil production and Class II UIC (injection) wells located in the State of Illinois. These wells are listed in the attached Exhibit 1, which is hereby incorporated by reference.

14. Petco is also the permittee of record for 24 open pits and/or concrete storage structures, and operates at least 144 tank batteries, all of which are situated in the oilfields in which its wells are located.

15. In its operations, Petco produces fluids, including crude oil, saltwater, brine, and “physical waste” as that term is generally understood in the oil and gas industry.

16. In the two years prior to the filing of this action, the Department has documented, through the initiation of enforcement action, at least 43 events involving the improper disposal, release or discharge of produced fluids. These events are listed in the attached Exhibit 2 and are separately attached as Exhibit 5, which are both hereby incorporated by reference. In particular, these events include the following:

- (1) On a date better known to the Defendant prior to January 27, 1999, Petco Petroleum discharged contaminated water from a tank truck at the C. Hall Lease Road, Jefferson County, onto the land and into the waters of the state. (Oil & Gas Case No. 26252).

- (2) On or about January 29, 1999, and dates better known to the Defendant, Petco Petroleum allowed a pipe or drain to exist in the containment dike or discharge line over the containment dike at the Julian Holman Tank Battery, Fayette County, and thus, permitted the discharge or spill of produced fluids from the containment dike. (Oil & Gas Case No. 26340)
- (3) On a date better known to the Defendant prior to June 28, 1999, Petco Petroleum released saltwater to the land and later failed to remediate a water spill at the S. Leona Lease, Fayette County (Oil & Gas Case No. 27366)
- (4) On July 16, 1999, Petco Petroleum released approximately 150 barrels of oil and approximately 50 barrels of contaminated water at the W.O. Allen, Jefferson County onto the land and into the waters of the state and subsequently failed to pick up and remove the oil and saltwater from site. (Oil and Gas Case No. 27426).
- (5) On approximately August 25, 1999, or a date better known to the Defendant, Petco Petroleum released approximately 3 barrels of oil at the Fay Kline #1, Fayette County onto the land and later failed to pick up and remove absorbent materials and oil and contaminated soil from a road ditch. (Oil and Gas Case No. 27518).
- (6) On approximately September 1, 1999, or dates better known to the Defendant, Petco Petroleum failed to maintain two separators in a leak-free condition at the McFadden Tank Battery, Fayette County and thus, allowed a saltwater leak. (Oil and Gas Case No.27520).
- (7) On a date better known to the Defendant prior to September 27, 1999, Petco Petroleum released crude oil to the land and later failed to remediate a crude oil spill at the N.M. Hooper #6, Fayette County (Oil and Gas Case No. 27671).
- (8) On an date better known to the Defendant prior to October 18, 1999, Petco Petroleum released approximately 2 barrels of oil and approximately 15 barrels of contaminated water at the Estella Hopper #9, Fayette County onto the land and later failed to provide sufficient emergency response to the oil and saltwater release. (Oil and Gas Case No.27738).
- (9) On or about November 4, 1999, and dates better known to the Defendant, Petco Petroleum failed to maintain containment dikes at the Lemuel Lilly Tank Battery, Fayette County. As a result of this failure the containment dike was near running over with the impounded contaminated storm water and oil. (Oil & Gas Case No. 28280).

- (10) On approximately April 16, 2000, or dates better known to the Defendant, Petco Petroleum released approximately 3 barrels of oil and an unknown quantity of contaminated water to the land and the waters of the state, specifically Big Creek at the Buzzard Bros. #9, Fayette County and later failed to pick up the released oil. (Oil and Gas Case No. 29102).
- (11) On or about May 10, 2000, or a dates better known to the Defendant, Petco Petroleum released approximately 280 barrels of contaminated water to the land and waters of the state, specifically Hog Creek, at the Minnie Doty Lease, Fayette County and later failed to repair the leaking flowlines. (Oil and Gas Case No. 29287).
- (12) On or about May 30, 2000, or dates better known to the Defendant, Petco Petroleum failed to maintain a production well and/or a wellhead in a leak-free condition and thereby resulted in a release of produced fluids at the Matson-Reed #3, Fayette County. (Oil and Gas Case No. 29310).
- (13) On or before May 3, 2000, or dates better known to the Defendant, Petco Petroleum failed to maintain the required storage capacity in the containment dike and allowed a hole existed in the west side of the containment dike at the Roy McKay Tank Battery, Fayette County. (Oil and Gas Case No. 29346).
- (14) On an unknown date prior to June 23, 2000, Petco Petroleum released an unknown amount of oil and an unknown amount of contaminated water in excess of 5 barrels to the land at the Sanders #2, Jefferson County and later failed to remediate the area affected by the spill. (Oil and Gas Case No. 29371).
- (15) On an unknown date prior to May 30, 2000, Petco Petroleum released approximately 500 barrels of contaminated water to the land and failed to repair the leak at the N.M. Hopper Lease, Fayette County. (Oil and Gas Case No.29385).
- (16) On a date better known to the Defendant prior to June 28, 2000, Petco Petroleum released saltwater to the land at the Henry Tucker Lease, Fayette County and later failed to remediate the area affected by the release. (Oil and Gas Case No. 29395).
- (17) On May 29, 2000, Petco Petroleum released approximately 25 barrels of oil to the land at the Matson-Reed #3, Fayette County and later failed to remove the oil and contaminated soil from the road ditch. (Oil and Gas Case No.29962).
- (18) On a date better known to the Defendant, prior to July 27, 2000, Petco Petroleum failed to maintain the well or equipment in a leak-free condition that resulted in a

release of produced water or oil at the Fred Lancaster #1, Fayette County(Oil and Gas Case No. 29963).

- (19) On May 29, 2000, Petco Petroleum released approximately 10 barrels of contaminated water to the land at the Hobbs Injection Plant, Fayette County and later failed to properly remediate the area affected by the release. (Oil and Gas Case No. 29964).
- (20) On a date better known to the Defendant prior to August 2, 2000, Petco Petroleum failed to maintain the well or equipment in a leak-free condition and thus, resulted in a release of produced water or oil at the Hopper-Cummins #1, Fayette County.(Oil and Gas Case No. 29972).
- (21) On a date better known to the Defendant prior to August 2, 2000, Petco Petroleum failed to maintain the well or equipment in a leak-free condition and thus, resulted in a release of produced water or oil at the John Sloan #2, Fayette County. (Oil and Gas Case No. 29973).
- (22) On approximately August 2, 2000, or dates better known to the Defendant, Petco Petroleum failed to maintain the required storage capacity in the containment dike at the Bartimus Tank Battery, Fayette County. (Oil and Gas Case No. 29974).
- (23) On a date better known to the Defendant prior to August 10, 2000, Petco Petroleum failed to maintain well or equipment in leak-free condition and thus, resulted in a release of produced water or oil at the Mamie Tucker #1 well, Fayette County. (Oil & Gas Case No. 29984).
- (24) On a date better known to the Defendant prior to August 9, 2000, Petco Petroleum failed to maintain well or equipment in leak-free condition and thus, resulted in a release of produced water or oil at the J.T. Wright #16 well, Fayette County. (Oil & Gas Case No. 29985).
- (25) On a date better known to the Defendant prior to July 27, 2000, Petco Petroleum released produced water and later failed to remediate the spill on the Martin McClain #5-W well, Fayette County. (Oil & Gas Case No. 30131).
- (26) On a date better known to the Defendant prior to May 21, 2000, Petco Petroleum released approximately 280 barrels of contaminated water to the land and to the waters of the state, specifically Hog Creek at the Minnie Doty #2-W, Fayette County and later failed to remediate the area affected by the spill. (Oil and Gas Case No. 30132).

- (27) On July 29, 2000, Petco Petroleum released 3 barrels of oil and 20 barrels of saltwater to the land at the Chas. McCollum #11, Fayette County, and later failed to remediate the area affected by the spill. (Oil and Gas Case No. 30321).
- (28) On August 16, 2000, Petco Petroleum released 1 barrel of oil and 2 barrels of saltwater to the land at the C.L. Wood #6, Fayette County, and later failed to remediate the area affected by the leak. (Oil and Gas Case No. 30322).
- (29) On August 16, 2000, Petco Petroleum released 220 barrels of saltwater to the land at the Larrimore Sump Saltwater Transfer Line, Fayette County, and later failed to remediate the area affected by the leak. (Oil and Gas Case No. 30323).
- (30) On May 30, 2000, Petco Petroleum released 15 barrels of saltwater to the land at the F.R. Dove #5-W, Fayette County, and later failed to remediate the area affected by the leak. (Oil and Gas Case No. 30332).
- (31) On a date better known to the Defendant prior to August 23, 2000, Petco Petroleum released 2 barrels of oil and approximately 10 barrels of saltwater to the land at the Rickert #3, Fayette County, and later failed to remediate the area affected by the leak. (Oil and Gas Case No. 30353).
- (32) On June 15, 2000, Petco Petroleum released 1 ½ barrels of oil to the land at the Bennie Shaw #8, Fayette County and later failed to remediate the area affected by the release. (Oil and Gas Case No. 30394).
- (33) On June 26, 2000, Petco Petroleum released 40 barrels of saltwater to the land at the Edith Durbin #5-W, Fayette County and later failed to remediate the area affected by the release. (Oil and Gas Case No. 30395).
- (34) On a date better known to the Defendant prior to September 5, 2000, Petco Petroleum released produced water or oil to the land at the Charles McCollum #13, Fayette County and later failed to remediate the are affected by the leak. (Oil and Gas Case No. 30484).
- (35) On September 5, 2000, and other dates known better to the Defendant, Petco Petroleum failed to maintain flowlines below a depth of thirty six (36) inches below the ground surface at the First Bank Sump, Fayette County. (Oil and Gas Case No. 30492).
- (36) On September 19, 2000, and other dates better known to the Defendant, Petco Petroleum released approximately ½ barrel of oil to the land due to a leak at the Charles McCollum #9, Fayette County and later failed to remediate the area affected by the leak. (Oil and Gas Case No. 30550).

- (37) On August 17, 2000, Petco Petroleum released 2 barrels of oil and 5 barrels of saltwater to the land at the Richard Larimore #18, Fayette County and later failed to remediate the are affected by the leak. (Oil and Gas Case No. 30552).
- (38) On a date better known to the Defendant prior to September 18, 2000, Petco Petroleum failed to maintain well or equipment in a leak-free condition and thus, released produced water or oil to the land at the C.L. Wood #6, Fayette County. (Oil and Gas Case No. 30553).
- (39) On a date better known to the Defendant prior to September 19, 2000, Petco Petroleum failed to maintain well or equipment in a leak-free condition and thus, released produced water or oil to the land at the Charles McCollum #4, Fayette County. (Oil and Gas Case No. 30554).
- (40) On a date better known to the Defendant prior to September 19, 2000, Petco Petroleum failed to maintain well or equipment in a leak-free condition and thus, released produced water or oil to the land at the Mary Rhodes #1, Fayette County. (Oil and Gas Case No. 30555).
- (41) On a date better known to the Defendant prior to September 19, 2000, Petco Petroleum released produced water to the land and failed to remediate the spill at the Bernie Shaw #9-W, Fayette County. (Oil and Gas Case No. 30556).
- (42) On a date better known to the Defendant prior to September 20, 2000, Petco Petroleum released produced water to the land and failed to remediate the spill at the Mary Cummings #8-W, Fayette County. (Oil and Gas Case No. 30559).
- (43) On a date better known to the Defendant prior to September 19, 2000, Petco Petroleum released produced water to the land and failed to remediate a spill at the Edith Marshall #28-6W-T2, Fayette County. (Oil and Gas Case No. 30560).

17. In the two years prior to the filing of this action, the Department has documented, through the generation of spill reports, at least 168 events involving the improper disposal, release or discharge of produced fluids. These events are listed in the attached Exhibit 3 and are separately attached as Exhibit 6, which are both hereby incorporated by reference. In particular, these events include the following:

- (1) On October 19, 1998, Petco Petroleum released 50 barrels of saltwater to the land and the waters of the state at the Katy Owens Lease, Fayette County. (IDNR Spill No. 2000001)
- (2) On October 20, 1998, Petco Petroleum released 5 barrels of saltwater to the land and the waters of the state at the Chas. McCollum #1, Fayette County.(IDNR Spill No. 2000002).
- (3) On October 25, 1998, Petco Petroleum released 3 barrels of oil and 20 barrels of saltwater to the land at the John Williams #2, Fayette County.(IDNR Spill No. 2000003).
- (4) On October 24, 1998, Petco Petroleum released 30 barrels of saltwater to the land at the Mary Welker Lease, Fayette County.(IDNR Spill No. 2000006).
- (5) On October 27, 1998, Petco Petroleum released 20 barrels of saltwater to the land and to a drainage ditch or grassy waterway at the Cora Miller Lease, Fayette County. (IDNR Spill No. 2000007).
- (6) On November 5, 1998, Petco Petroleum released 1 barrel of oil to the land and to a drainage ditch or grassy waterway at the W.L. Holman #8, Fayette County. (IDNR Spill No. 2000009).
- (7) On November 6, 1998, Petco Petroleum released 20 barrels of saltwater to the land at the Dial-Durbin Lease, Fayette County. (IDNR Spill No. 2000010).
- (8) On November 9, 1998, Petco Petroleum released 10 barrels of saltwater to the land at the Jack Smith Plant, Fayette County.(IDNR Spill No. 2000011).
- (9) On November 8, 1998, Petco Petroleum released 10 barrels of saltwater to the land at the E. Owen "46A" Lease, Fayette County.(IDNR Spill No. 2000012).
- (10) On November 12, 1998, Petco Petroleum released 1 barrel of oil and 1 barrel of saltwater to the land at the W. Durbin #3, Fayette County.(IDNR Spill No. 2000013).
- (11) On November 15, 1998, Petco Petroleum released 30 barrels of saltwater to the land and to the drainage ditch or grassy waterway at the Orville Summons Lease, Fayette County.(IDNR Spill No. 2000015).
- (12) On November 30, 1998, Petco Petroleum released 12 barrels of oil to the land at the Anna Alsop Lease, Fayette County.(IDNR Spill No. 2000017).

- (13) On December 1, 1998, Petco Petroleum released 13 barrels of oil to the land at the Richard Larrimore Lease, Fayette County.(IDNR Spill No. 2000018).
- (14) On December 1, 1998, Petco Petroleum released 20 barrels of saltwater to the land at the M.A. Thornton #1-W, Fayette County.(IDNR Spill No. 2000021).
- (15) On December 16, 1998, Petco Petroleum released 20 barrels of saltwater to the land at the John Williams #1-W, Fayette County.(IDNR Spill No. 2000022).
- (16) On December 17, 1998, Petco Petroleum released 10 barrels of saltwater to the land at the G. Raymond C-64 Lease, Fayette County.(IDNR Spill No. 2000023).
- (17) On December 11, 1998, Petco Petroleum released 20 barrels of saltwater to the land and the waters of the state at the Orville Simmons Lease, Fayette County. (IDNR Spill No. 2000024).
- (18) On December 17, 1998, Petco Petroleum released 10 barrels of oil to the land at the Ada Clow Lease, Fayette County.(IDNR Spill No. 2000025).
- (19) On February 14, 1999, Petco Petroleum released 1 barrel of oil to the land and the waters of the state at the Wm. Ireland #10, Fayette County.(IDNR Spill No. 2000031).
- (20) On February 15, 1999, Petco Petroleum released 60 barrels of saltwater to the land at the Cynthia Hopper #22-16W, Fayette County.(IDNR Spill No. 2000032).
- (21) On February 25, 1999, Petco Petroleum released 60 barrels of saltwater to the land at the Helen Welker Lease, Fayette County.(IDNR Spill No. 2000037).
- (22) On February 28, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the J.B. Tucker Lease, Fayette County.(IDNR Spill No. 2000038).
- (23) On February 28, 1999, Petco Petroleum released 100 barrels of saltwater to the land and waters of the state at the Richard Larrimore Lease, Fayette County.(IDNR Spill No. 2000039).
- (24) On March 4, 1999, Petco Petroleum released 1,200 barrels of saltwater to the land and waters of the state at the Lizzie Fichteman Lease, Fayette County.(IDNR Spill No. 2000042).
- (25) On March 7, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the Raul Dunaway #2-P-W, Fayette County.(IDNR Spill No. 2000044).

- (26) On a date better known to the Defendant prior to March 10, 1999, Petco Petroleum released 15 barrels of saltwater and 1 barrel of oil to the land and waters of the state at the Arnold Unit #38, Fayette County.(IDNR Spill No. 2000045).
- (27) On March 14, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the Helen Welker #8, Fayette County.(IDNR Spill No. 2000046).
- (28) On March 17, 1999, Petco Petroleum released 5 barrels of oil to the land at the F.W. Coddington Lease, Fayette County.(IDNR Spill No. 2000048).
- (29) On March 17, 1999, Petco Petroleum released 1,500 barrels of saltwater to the land and waters of the state at the Mary Welker Lease, Fayette County.(IDNR Spill No. 2000051).
- (30) On March 22, 1999, Petco Petroleum released 50 barrels of saltwater to the land and waters of the state at the John Williams #6-W, Fayette County.(IDNR Spill No. 2000053).
- (31) On March 24, 1999, Petco Petroleum released 3 barrels of oil to the land at the John Sloan #6, Fayette County.(IDNR Spill No. 2000054).
- (32) On March 28, 1999, Petco Petroleum released 3 barrels of oil to the land at the Si Musser #7, Fayette County.(IDNR Spill No. 2000057).
- (33) On a date better known to the Defendant prior to March 29, 1999, Petco Petroleum released 1 barrel of oil to the land at the Florence Harding #9, Fayette County.(IDNR Spill No. 2000058).
- (34) On a date better known to the Defendant prior to March 29, 1999, Petco Petroleum released 2 barrels of oil to the land at the N.M. Hopper #6, Fayette County.(IDNR Spill No. 2000059).
- (35) On March 29, 1999, Petco Petroleum released 2 barrels of oil to the land at the Raul Dunaway #5, Fayette County.(IDNR Spill No. 2000060).
- (36) On March 28, 1999, Petco Petroleum released 3 ½ barrels of oil to the land at the J.R. Morrison #4, Fayette County.(IDNR Spill No. 2000061).
- (37) On a date better known to the Defendant prior to March 30, 1999, Petco Petroleum released 500 barrels of saltwater to the land and waters of the state at the Mary Hoar Lease, Fayette County.(IDNR Spill No. 2000069).

- (38) On a date better known to the Defendant prior to April 7, 1999, Petco Petroleum released 2 barrels of oil and 10 barrels of saltwater to the land at the Anna Tucker #8, Fayette County.(IDNR Spill No. 2000073).
- (39) On a date better known to the Defendant prior to April 30, 1999, Petco Petroleum released 30 barrels of saltwater to the land at the J.B. Tucker Injection Plant, Fayette County.(IDNR Spill No. 2000077).
- (40) On April 28, 1999, Petco Petroleum released 1 ½ barrels of oil and 10 barrels of saltwater to the land and the waters of the state at the Chas. McCollum #11, Fayette County.(IDNR Spill No. 2000079).
- (41) On April 25, 1999, Petco Petroleum released 30 barrels of saltwater to the land at the Thomas Mills Tank Battery, Fayette County.(IDNR Spill No. 2000080).
- (42) On May 4, 1999, Petco Petroleum released 30 barrels of saltwater to the land and waters of the state at the R.T. Hopper #3-W, Fayette County.(IDNR Spill No. 2000086).
- (43) On May 12, 1999, Petco Petroleum released 50 barrels of saltwater to the land and waters of the state at the Orvill Simmons Lease, Fayette County.(IDNR Spill No. 2000089).
- (44) On a date better known to the Defendant prior to May 17, 1999, Petco Petroleum released 50 barrels of saltwater to the land at the S. Leona Lease, Fayette County.(IDNR Spill No. 2000090).
- (45) On a date better known to the Defendant prior to May 18, 1999, Petco Petroleum released 5 barrels of saltwater and 1 barrel of oil to the land at the J.T. Wright #2, Fayette County.(IDNR Spill No. 2000091).
- (46) On May 19, 1999, Petco Petroleum released 50 barrels of saltwater to the land and waters of the state at the J.B. Tucker Lease, Fayette County.(IDNR Spill No. 2000093).
- (47) On May 25, 1999, Petco Petroleum released 10 barrels of saltwater to the land and waters of the state at the John Williams #5-W, Fayette County.(IDNR Spill No. 2000095).
- (48) On May 27, 1999, Petco Petroleum released 10 barrels of saltwater and 2 barrels of oil to the land at the Ramsey-Hopper #8, Fayette County.(IDNR Spill No. 2000096).

- (49) On May 31, 1999, Petco Petroleum released 100 barrels of saltwater to the land and waters of the state at the Cynthia Hopper Lease, Fayette County.(IDNR Spill No. 2000098).
- (50) On May 31, 1999, Petco Petroleum released 100 barrels of saltwater and 1 barrel of oil to the land and waters of the state at the I. Hobbs Lease, Fayette County.(IDNR Spill No. 2000099).
- (51) On approximately June 10, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the J.B. Tucker, Fayette County.(IDNR Spill No. 2000101).
- (52) On a date better known to the Defendants prior to June 11, 1999, Petco Petroleum released 3 1/2 barrels of oil to the land and the waters of the state at the Richard Larrimore Lease, Fayette County.(IDNR Spill No. 2000102).
- (53) On June 27, 1999, Petco Petroleum released 10 barrels of saltwater to the land and at the Martin McClain #11, Fayette County.(IDNR Spill No. 2000105).
- (54) On June 27, 1999, Petco Petroleum released 20 barrels of oil to the land and the waters of the state at the R.T. Hopper #2, Fayette County. (IDNR Spill No. 2000106).
- (55) On a date better known to the Defendants prior to July 1, 1999, Petco Petroleum released 4 barrels of oil to the land and the waters of the state at the Tom Wright #12, Fayette County. (IDNR Spill No. 2000109).
- (56) On a date better known to the Defendants prior to July 11, 1999, Petco Petroleum released 1 gallon of oil and 50 barrels of saltwater to the land and the waters of the state at the John McFadden #10-7W-T, Fayette County. (IDNR Spill No. 2000112).
- (57) On July 16, 1999, Petco Petroleum released 30 barrels of saltwater to the land and the waters of the state at the Katie Owens Lease, Fayette County.(IDNR Spill No. 2000114).
- (58) On July 16, 1999, Petco Petroleum released 30 barrels of saltwater to the land and at the Jack Smith Lease, Fayette County. (IDNR Spill No. 2000115).
- (59) On July 16, 1999, Petco Petroleum released 150 barrels of oil and 50 barrels of saltwater to the land and the waters of the state at the W.O. Allen, Fayette County. (IDNR Spill No. 2000116).

- (60) On July 22, 1999, Petco Petroleum released 30 barrels of saltwater to the land at the E.M. Durbin, Fayette County.(IDNR Spill No. 2000118).
- (61) On July 20, 1999, Petco Petroleum released 60 barrels of saltwater to the land and the waters of the state at the A. Fortner Lease, Fayette County. (IDNR Spill No. 2000119).
- (62) On July 25, 1999, Petco Petroleum released 1 barrel of oil and 5 barrels of saltwater to the land at the Ruth Musser #4, Fayette County.(IDNR Spill No. 2000156).
- (63) On August 1, 1999, Petco Petroleum released 1 barrel of saltwater to the land at the E.M. Durbin Lease, Fayette County. (IDNR Spill No. 2000158).
- (64) On August 3, 1999, Petco Petroleum released 30 barrels of saltwater to the land at the Cynthia Hopper lease, Fayette County.(IDNR Spill No. 2000178).
- (65) On August 1, 1999, Petco Petroleum released approximately 5 barrels of saltwater to the land at the Pearl Durbin, Fayette County.(IDNR Spill No. 2000182).
- (66) On August 4, 1999, Petco Petroleum released 5 barrels of saltwater to the land at the S.R. Myers lease, Fayette County. (IDNR Spill No. 2000183).
- (67) On August 8, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the J.B. Tucker Lease, Fayette County.(IDNR Spill No. 2000184).
- (68) On August 10, 1999, Petco Petroleum released 200 barrels of saltwater to the land and the waters of the state at the ADA Clow Lease, Fayette County.(IDNR Spill No. 2000185).
- (69) On August 9, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the R.T. Hopper #27-20W, Fayette County.(IDNR Spill No. 2000186).
- (70) On August 12, 1999, Petco Petroleum released 1 gallon of oil and 10 barrels of saltwater to the land at the John Williams #2, Fayette County.(IDNR Spill No. 2000187).
- (71) On August 5, 1999, Petco Petroleum released 2 barrels of oil and 20 barrels of saltwater to the land at the Thomas Mills #3, Fayette County.(IDNR Spill No. 2000188).

- (72) On August 13, 1999, Petco Petroleum released 3 barrels of oil and 10 barrels of saltwater to the land at the A. Fortner #2, Fayette County.(IDNR Spill No. 2000189).
- (73) On August 23, 1999, Petco Petroleum released 3 barrels of saltwater to the land at the J.R. Morrison #2-W, Fayette County.(IDNR Spill No. 2000192).
- (74) On August 24, 1999, Petco Petroleum released 25 barrels of saltwater to the land and the waters of the state at the Eliza Durbin Lease, Fayette County.(IDNR Spill No. 2000194).
- (75) On a date better known to the Defendant prior to August 24, 1999, Petco Petroleum released 1 barrel of oil to the land at the N.M. Hopper #6, Fayette County.(IDNR Spill No. 2000195).
- (76) On a date better known to the Defendant prior to August 26, 1999, Petco Petroleum released 10 barrels of oil and 10 barrels of saltwater to the land and the waters of the state at the Arnold Unit #38, Fayette County.(IDNR Spill No. 2000196).
- (77) On a date better known to the Defendant prior to August 32, 1999, Petco Petroleum released 30 barrels of saltwater to the land at the H.O. Lewis Lease, Fayette County.(IDNR Spill No. 2000198).
- (78) On September 15, 1999, Petco Petroleum released 20 barrels of oil and 20 barrels of saltwater to the land at the Richard Larrimore Lease, Fayette County.(IDNR Spill No. 2000202).
- (79) On approximately August 25, 1999, Petco Petroleum released 3 barrels of oil to the land at the Fay Kline #1, Fayette County.(IDNR Spill No. 2000203).
- (80) On September 21, 1999, Petco Petroleum released 30 barrels of saltwater to the land at the Elzie Owens "46 Acre" Lease, Fayette County.(IDNR Spill No. 2000204).
- (81) On a date better known to the Defendant prior to September 24, 1999, Petco Petroleum released 13 barrels of oil to the land at the M.E. Hogan #2, Fayette County.(IDNR Spill No. 2000205).
- (82) On October 4, 1999, Petco Petroleum released 2 barrels of oil and 20 barrels of saltwater to the land at the Alice Boggs #4, Fayette County.(IDNR Spill No. 2000206).

- (83) On October 22, 1999, Petco Petroleum released 2 barrels of oil to the land at the Emily Sherman #1, Fayette County.(IDNR Spill No. 2000212).
- (84) On October 20, 1999, Petco Petroleum released 1 gallon of oil and 5 barrels of saltwater to the land at the O.E. Goodson #3, Fayette County.(IDNR Spill No. 2000213).
- (85) On October 17, 1999, Petco Petroleum released 2 barrels of oil and 20 barrels of saltwater to the land at the Leander Wood #8, Fayette County.(IDNR Spill No. 2000214).
- (86) On a date better known to the Defendant prior to October 26, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the T.C. Clow Lease, Fayette County.(IDNR Spill No. 2000230).
- (87) On a date better known to the Defendant prior to November 3, 1999, Petco Petroleum released 1 barrel of oil and 3 barrels of saltwater to the land at the Guy Phillips #3, Fayette County.(IDNR Spill No. 2000232).
- (88) On November 7, 1999, Petco Petroleum released 10 barrels of saltwater to the land at the E.M. Durbin Lease, Fayette County.(IDNR Spill No. 2000233).
- (89) On November 7, 1999, Petco Petroleum released 2 barrels of oil and 15 barrels of saltwater to the land, specifically a ditch, at the Cora Miller #4, Fayette County.(IDNR Spill No. 2000234).
- (90) On November 9, 1999, Petco Petroleum released 1 barrel of oil and 4 barrels of saltwater to the land at the S.N. Dial Manifold Line, Fayette County.(IDNR Spill No. 2000235).
- (91) On November 12, 1999, Petco Petroleum released 2 barrels of saltwater to the land, specifically a ditch, at the J.R. Morrison Lease, Fayette County. (IDNR Spill No. 2000236).
- (92) On November 17, 1999, Petco Petroleum released 2 barrels of saltwater to the land at the Lilly Mills Tank Battery, Fayette County.(IDNR Spill No. 2000237).
- (93) On November 19, 1999, Petco Petroleum released 1 barrel of oil and 2 barrels of saltwater to the land at the E.T. Drago Lease, Fayette County.(IDNR Spill No. 2000239).
- (94) On December 7, 1999, Petco Petroleum released 40 barrels of saltwater to the land at the Cynthia Hopper Lease, Fayette County.(IDNR Spill No. 2000241).

- (95) On December 27, 1999, Petco Petroleum released 1 barrel of oil and 10 barrels of saltwater to the land at the S. Williams #4, Fayette County.(IDNR Spill No. 2000246).
- (96) On December 29, 1999, Petco Petroleum released 3 barrels of oil and 20 barrels of saltwater to the land at the J.T. Wright Lease, Fayette County.(IDNR Spill No. 2000247).
- (97) On January 18, 2000, Petco Petroleum released 20 barrels of saltwater to the land at the John Williams #4-W, Fayette County.(IDNR Spill No. 2000249).
- (98) On February 2, 2000, Petco Petroleum released 30 barrels of saltwater to the land at the Jack Smith Injection Plant, Fayette County.(IDNR Spill No. 2000254).
- (99) On February 4, 2000, Petco Petroleum released 2 barrels of oil and 2 barrels of saltwater to the land at the Martin McClain #9, Fayette County.(IDNR Spill No. 2000255).
- (100) On February 10, 2000, Petco Petroleum released 2 barrels oil and 10 barrels of saltwater to the land at the Geo. Raymond C-64 #5, Fayette County.(IDNR Spill No. 2000259).
- (101) On a date better known to the Defendant prior to March 27, 2000, Petco Petroleum released 2 barrels of oil to the land at the Emily Sherman #1, Fayette County.(IDNR Spill No. 2000276).
- (102) On April 10, 2000, Petco Petroleum released 15 barrels of oil to the land and the waters of the State at the Jennie Brauer Tank Battery Transfer Line, Fayette County.(IDNR Spill No. 2000278).
- (103) On April 18, 2000, Petco Petroleum released 10 barrels of saltwater to the land at the J.G. Main lease, Fayette County.(IDNR Spill No. 2000280).
- (104) On May 4, 2000, Petco Petroleum released 2 barrels of oil to the land at the John Williams #2, Fayette County.(IDNR Spill No. 2000284).
- (105) On May 14, 2000 Petco Petroleum released a trace amount of oil and 6 barrels of saltwater to the land at the Thomas Mills (Feezel Line), Fayette County.(IDNR Spill No. 2000287).
- (106) On a date better known to the Defendant prior to May 21, 2000, Petco Petroleum released 280 barrels of saltwater to the land and the waters of the State, specifically Hog Creek, at the Minnie Doty lease, Fayette County.(IDNR Spill No. 2000290).

- (107) On May 26, 2000, Petco Petroleum released at least 50 barrels of saltwater to the land and the waters of the State at the Martin McClain #5-W, Fayette County.(IDNR Spill No. 2000292)
- (108) On May 26, 2000, Petco Petroleum released 2 barrels of oil and 5 barrels of saltwater to the land at the Weaber-Horn #2, Fayette County.(IDNR Spill No. 2000293).
- (109) On May 29, 2000, Petco Petroleum released 10 barrels of saltwater to the land at the Hobbs Injection Plant, Fayette County.(IDNR Spill No. 2000294).
- (110) On May 28, 2000, Petco Petroleum released 10 barrels of saltwater to the land at the Henry Tucker lease, Fayette County.(IDNR Spill No. 2000295).
- (111) On May 30, 2000, Petco Petroleum released 15 barrels of saltwater to the land at the F.R. Dove #5-W, Fayette County.(IDNR Spill No. 2000296).
- (112) On a date better known to the Defendants prior to May 30, 2000, Petco Petroleum released 500 barrels of saltwater to the land at the N.M. Hopper Lease, Fayette County.(IDNR Spill No. 2000297).
- (113) On May 28, 2000, Petco Petroleum released 5 barrels of oil to the land at the Matson-Reed #3, Fayette County.(IDNR Spill No. 2000298).
- (114) On June 14, 2000, Petco Petroleum released 3 barrels of oil to the land at the Cora Miller #4, Fayette County.(IDNR Spill No. 2000307).
- (115) On June 15, 2000, Petco Petroleum released 1 1/2 barrels of oil to the land at the Bennie Shaw #8, Fayette County.(IDNR Spill No. 2000308).
- (116) On June 21, 2000, Petco Petroleum released 3 barrels of oil to the land at the Lancaster Hrs #2, Fayette County. (IDNR Spill No. 2000310).
- (117) On June 23, 2000, Petco Petroleum released 5 barrels of oil to the land and the waters of the state at the Alma McKay #6, Fayette County.(IDNR Spill No. 2000311).
- (118) On June 25, 2000, Petco Petroleum released 25 barrels of saltwater to the land at the Mary Cummings #8-W, Fayette County.(IDNR Spill No. 2000313).
- (119) On June 24, 2000, Petco Petroleum released 30 barrels of saltwater to the land at the S.R. Myers Station, Fayette County.(IDNR Spill No. 2000314).

- (120) On June 26, 2000, Petco Petroleum released 40 barrels of saltwater to the land at the Edith Durbin #5-W , Fayette County.(IDNR Spill No. 2000315).
- (121) On July 1, 2000, Petco Petroleum released 20 barrels of saltwater to the land at the Cynthia Hopper #22-7W-T2, Fayette County.(IDNR Spill No. 2000320).
- (122) On a date better known to the Defendant prior to July 18, 2000, Petco Petroleum released an unknown amount of saltwater to the land at the Harvey Durbin #31-WI, Fayette County.(IDNR Spill No. 2000337).
- (123) On a date better known to the Defendant prior to July 19, 2000, Petco Petroleum released 1 barrel of oil and 10 barrels of saltwater to the land at the Edith Marshall #3, Fayette County.(IDNR Spill No. 2000338).
- (124) On July 26, 2000, Petco Petroleum released 25 barrels of saltwater to the land at the Bennie Shaw #9-W , Fayette County.(IDNR Spill No. 2000341).
- (125) On July 27, 2000, Petco Petroleum released 30 barrels of saltwater to the land at the charity McClain Tank Battery, Fayette County.(IDNR Spill No. 2000342).
- (126) On August 2, 2000, Petco Petroleum released 100 barrels of saltwater to the land at the Jack Smith Sump Trasfer Line, Fayette County.(IDNR Spill No. 2000346).
- (127) On a date better known to the Defendant prior to August 4, 2000, Petco Petroleum released 100 barrels of saltwater to the land at the Minnie Doty #7, Fayette County.(IDNR Spill No. 2000347).
- (128) On August 4, 2000, Petco Petroleum released 1 1/2 barrels of oil to the land at the Charles McCollum #13, Fayette County.(IDNR Spill No. 2000348).
- (129) On July 29, 2000, Petco Petroleum released 3 barrels of oil and 20 barrels of saltwater to the land at the Chas. McCollum #11, Fayette County.(IDNR Spill No. 2000350).
- (130) On August 8, 2000, Petco Petroleum released less than 1/2 barrel of oil to the land and waters of the state at the H. Durbin #20, Fayette County.
- (131) On a date better known to the Defendant prior to August 14, 2000, Petco Petroleum released 5 barrels of saltwater to the land at the Helen Welker #2, Fayette County.(IDNR Spill No. 2000353).

- (132) On a date better known to the Defendant prior to August 15, 2000, Petco Petroleum released 50 barrels of saltwater to the land and to the waters of the state at the Larrimore Sump, Fayette County.(IDNR Spill No. 2000354).
- (133) On August 12, 2000, Petco Petroleum released a trace of oil and 50 barrels of saltwater to the land and the waters of the state at the Luella Durbin Disposal Line, Fayette County.(IDNR Spill No. 2000355).
- (134) On August 16, 2000, Petco Petroleum released 220 barrels of saltwater to the land at the Larrimore Sump Line to JG. Main, Fayette County.(IDNR Spill No. 2000357).
- (135) On August 16, 2000, Petco Petroleum released 10 barrels of saltwater to the land at the Mary Cummings #8-W, Fayette County.(IDNR Spill No. 2000358).
- (136) On August 16, 2000, Petco Petroleum released 2 barrels of saltwater and 1 barrel of oil to the land at the C.L. Wood #6, Fayette County. (IDNR Spill No. 2000359).
- (137) On August 16, 2000, Petco Petroleum released approximately 10 to 20 barrels of saltwater to the land at the Myers Station, Fayette County. (IDNR Spill No. 2000360).
- (138) On August 17, 2000, Petco Petroleum released 5 barrels of saltwater and 2 barrels of oil to the land at the Richard Larimore #18, Fayette County. (IDNR Spill No. 2000361).
- (139) On August 21, 2000, Petco Petroleum released 20 barrels of saltwater to the land at the Edith Marshal #28-6W-T2, Fayette County. (IDNR Spill No. 2000363).
- (140) On August 25, 2000, Petco Petroleum released an unknown amount of saltwater and 3 to 5 barrels of oil to the land and waters of the state at the Ramsey-Hopper #2, Fayette County.(IDNR Spill No. 2000368).
- (141) On a date better known to the Defendant prior to September 12, 2000, Petco Petroleum released an unknown amount of oil to the land and waters of the state at Lawrence Deal #5, Fayette County.(IDNR Spill No. 2000377).
- (142) On September 14, 1998, Petco Petroleum released 40 barrels of saltwater and 2 barrels of oil to the land at the Mable Mills Lease, Fayette County. (IDNR Spill No. 2004982).

- (143) On September 14, 1998, Petco Petroleum released 10 barrels of saltwater and 2 barrels of oil to the land at the Frank Quade #4, Fayette County. (IDNR Spill No. 2004983).
- (144) On September 25, 1998, Petco Petroleum released 3 barrels of oil to the land at the Robert McCloy #1, Fayette County.(IDNR Spill No. 2004987).
- (145) On September 28, 1998, Petco Petroleum released 5 barrels of saltwater to the land at the Ramsey-Hopper #3-W, Fayette County.(IDNR Spill No. 2004988).
- (146) On September 28, 1998, Petco Petroleum released 25 barrels of saltwater to the land at the W.H. Ferguson #6, Fayette County.(IDNR Spill No. 2004989).
- (147) On September 29, 1998, Petco Petroleum released 10 barrels of saltwater and ½ barrel of oil to the land and waters of the state at the John Dial Lease, Fayette County.(IDNR Spill No. 2004990).
- (148) On October 4, 1998, Petco Petroleum released 10 barrels of saltwater to the land at the Robt.. Heckert Lease, Fayette County. (IDNR Spill No. 2004992).
- (149) On October 8, 1998, Petco Petroleum released 20 barrels of saltwater to the land and waters of the state at the H.O. Lewis Lease, Fayette County. (IDNR Spill No. 2004998).
- (150) On or before October 15, 1998, Petco Petroleum released 5 barrels of saltwater and 5 gallons of oil to the land at the Edith Quade Lease, Fayette County.(IDNR Spill No. 2004999).
- (151) On October 12, 1998, Petco Petroleum released 30 barrels of saltwater to the land and the waters of the state at the E.M. Durbin Lease, Fayette County.(IDNR Spill No. 2005000).
- (152) On October 10, 1998, Petco Petroleum released 3 barrels of oil and 20 barrels of saltwater to the land at the Thomas Mills Lease, Fayette County.(IDNR Spill No. 2005001).
- (153) On a date better known to the Defendant prior to November 4, 1998, Petco Petroleum released 500 barrels of saltwater to the land at the S. Leona Lease, Fayette County.(IDNR Spill No. 2005010).
- (154) On November 11, 1998, Petco Petroleum released 20 barrels of saltwater to the land at the Mary Williams #22-8W-T1, Fayette County.(IDNR Spill No. 2005016).

- (155) On November 15, 1998, Petco Petroleum released 60 barrels of saltwater to the land and the waters of the state at the Arnold Unit #14-W, Fayette County.(IDNR Spill No. 2005019).
- (156) On December 11, 1998, Petco Petroleum released 20 barrels of saltwater to the land at the T.B. Taylor Lease, Fayette County.(IDNR Spill No. 2005030).
- (157) On December 15, 1998, Petco Petroleum released 100 barrels of saltwater to the land at the Cynthia Hopper Lease, Fayette County.(IDNR Spill No. 2005032).
- (158) On December 18, 1998, Petco Petroleum released 100 barrels of saltwater to the land at the Margret Myers Lease, Fayette County.(IDNR Spill No. 2005034).
- (159) On December 21, 1998, Petco Petroleum released 10 barrels of saltwater to the land at the Minnie Doty Lease, Fayette County.(IDNR Spill No. 2005036).
- (160) On December 22, 1998, Petco Petroleum released 40 barrels of saltwater to the land and the waters of the state at the Irvin Hobbs Plant, Fayette County.(IDNR Spill No. 2005037).
- (161) On December 28, 1998, Petco Petroleum released 1 1/2 barrels of oil to the land at the M.E. Hogan #11, Fayette County.(IDNR Spill No. 2005038).
- (162) On January 9, 1999, Petco Petroleum released 30 barrels of saltwater to the land and the waters of the state at the Helen Welker #11-W, Fayette County.(IDNR Spill No. 2005042).
- (163) On January 22, 1999, Petco Petroleum released 3 barrels of oil to the land and the waters of the state at the Wm. Holley, Fayette County.(IDNR Spill No. 2005043).
- (164) On a date better known to the Defendant prior to January 19, 1999, Petco Petroleum released 1 barrel of oil to the land and the waters of the state at the Emily Wood #5, Fayette County.(IDNR Spill No. 2005044).
- (165) On January 19, 1999, Petco Petroleum released 3 barrels of oil to the land at the R. Larrimore #13, Fayette County.(IDNR Spill No. 2005045).
- (166) On January 27, 1999, Petco Petroleum released 2 barrels of oil and 5 barrels of saltwater to the land at the Emma McCormick #12, Fayette County.(IDNR Spill No. 2005050).
- (167) On February 1, 1999, Petco Petroleum released 3 barrels of oil to the land at the Levi Tipsword #4, Fayette County.(IDNR Spill No. 2005051).

(168) On February 3, 1999, Petco Petroleum released 3 barrels of oil to the land and the waters of the state at the Anna Tucker WF Supply #6, Fayette County.(IDNR Spill No. 2005052).

18. The spills and other releases referenced *supra* have violated the Act, including but not limited to Section 1.1 of the Act, 225 ILCS 725/1.1 (1998).

19. The spills and other releases referenced *supra* have posed an imminent danger of substantial environmental harm.

20. The spills and other releases referenced *supra* have caused environmental damage to property and/or contamination of surface or ground waters of the State.

21. Petco has shown a pattern of documented events involving the improper disposal, release or discharge of produced fluids over the two years preceding the filing of this complaint.

22. Petco has failed to operate in a prudent manner following regulatory standards with regard to the performance of preventive maintenance of equipment and such failure will continue unless enjoined by this Court.

23. Section 26 of the Act, 225 ILCS 725/26 (1998), provides as follows:

(a) Any person who violates any provision of this Act or any valid rule, regulation, permit or order of the Department made hereunder, or who repeats or continues the violation thereof, shall be subject to a civil penalty not to exceed \$1,000 a day for each and every act of violation.

(b) Any person wilfully aiding or abetting any other person in the violation of any provision of this Act or any valid rule, regulation, permit or order made hereunder, shall be subject to the same penalties as are prescribed herein for the violation by such other person.

24. Petco is therefore liable pursuant to Section 26(a) of the Act, 225 ILCS 725/25(a) (1998), and 62 Ill. Adm. Code 240.155(b)(1), to a civil penalty of \$1,000 a day for each and every act of violation as referenced *supra*; such penalties total at least \$223,000.

25. Section 6 of the Act, 225 ILCS 725/6 (1998), authorizes the Department “to make such reasonable rules as may be necessary from time to time in the proper administration and enforcement of this Act, including the adoption of rules . . . for the following purposes,” which include the posting of a bond and the prohibition of waste. One of the rules adopted by the Department for those purposes, 62 Ill. Adm. Code 240.155(b)(2), allows the Department to seek “submission of a bond in accordance with Subpart O” as relief in a civil action brought by the Attorney General.

26. 62 Ill. Adm. Code 240.1500(a)(2) provides: “When a bond is required to be filed with the Department . . . the amount of the bond shall be: . . . E) \$100,000 for all wells of a permittee.”

27. Petco is therefore liable pursuant to Section 6 of the Act, 225 ILCS 725/6 (1998), and 62 Ill. Adm. Code 240.155(b)(2) and 240.1500(a)(2)(E), for the submission of a blanket bond in the amount of \$100,000.

28. Section 11 of the Act, 225 ILCS 725/11 (1998), and 62 Ill. Adm. Code 240.155(b), also allow the Department to seek “such injunctions, prohibitory and mandatory, including . . . other enforcement orders as the facts may warrant” as relief in a civil action brought by the Attorney General.

29. Petco is therefore liable pursuant to Section 11 of the Act, 225 ILCS 725/11 (1998), and 62 Ill. Adm. Code 240.155(b), for the submission and implementation of a written oil

and gas facilities operation maintenance plan that will ensure compliance with the Department's rules as warranted by the pattern of documented events involving the improper disposal, release or discharge of produced fluids over the two years preceding the filing of this complaint.

WHEREFORE, Plaintiff, People of the State of Illinois, respectfully prays that this Court grant the following relief:

A. Enter a finding that the Defendant, PETCO PETROLEUM CORPORATION, has violated the Act, 225 ILCS 725/1 *et seq.*, and the Illinois Oil and Gas Rules, 62 Ill. Adm. Code 240.10 *et seq.*, by repeatedly allowing the improper disposal, release or discharge of produced fluids, resulting in an imminent danger of substantial environmental harm, and/or environmental damage to property and/or contamination of surface or ground waters of the State;

B. Enter a finding that the Defendant, PETCO PETROLEUM CORPORATION, has shown a pattern of documented events involving the improper disposal, release or discharge of produced fluids over the two years preceding the filing of this complaint;

C. Enter a finding that the Defendant, PETCO PETROLEUM CORPORATION, has failed to operate in a prudent manner following industry standards with regard to the performance of preventive maintenance of equipment;

D. Permanently enjoin the Defendant, PETCO PETROLEUM CORPORATION, from further violations of the Illinois Oil and Gas Act, 225 ILCS 725/1 *et seq.*, and the Illinois Oil and Gas Rules, 62 Ill. Adm. Code 240.10 *et seq.*;

E. Order the Defendant, PETCO PETROLEUM CORPORATION, to submit, within thirty (30) days from the entry of judgment, a written oil and gas facilities operation maintenance

plan that will ensure compliance with the Department's rules. This maintenance plan will specifically address Defendant's policies and procedures regarding:

1. Maintaining equipment to minimize the possibility of improper disposal, release or discharge of produced fluids and
2. Addressing the improper disposal, release or discharge of produced fluids in the event of accidents, vandalism or other unavoidable releases;

F. Order the Defendant, PETCO PETROLEUM CORPORATION, to submit, within thirty (30) days from the entry of judgment, and keep in effect until released by the Department, a bond in the amount of one hundred thousand dollars (\$100,000.00) in accordance with subpart O of the Illinois Oil and Gas Rules;

G. Enter a judgment for the Plaintiff, in the amount of two hundred, twenty three thousand dollars (\$223,000.00) and order the Defendants to pay the same within thirty (30) days from the entry of judgment herein;

H. Enjoin the Defendant, PETCO PETROLEUM CORPORATION, from acquiring additional permits to drill new oil and/or gas production wells until the bond requested *supra* is released by the Department;

I. Award the Department its costs; and

J. Grant such other relief as the Court deems appropriate under the circumstances of this case.

COUNT II

RESPONSIBLE CORPORATE OFFICER VIOLATIONS

1-23. Plaintiff realleges and incorporates by reference paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count II.

24. Jay Douglas Bergman is a corporate officer of Petco and a “person” as that term is defined at Section 1 of the Act, 225 ILCS 725/1 (1998).

25. Upon information and belief, Plaintiff alleges that Jay Douglas Bergman is either directly responsible for, personally involved in, or has actively participated in the acts or omissions constituting the violations referenced *supra*. In particular, Jay Douglas Bergman has failed to prevent and/or correct the 43 events involving the improper disposal, release or discharge of produced fluids, which have resulted in enforcement action; these events are listed in the attached Exhibit 2 and are separately attached as Exhibit 5, which are both hereby incorporated by reference. Jay Douglas Bergman has also failed to prevent and/or correct the 168 spills involving the improper disposal, release or discharge of produced fluids; these spills are listed in the attached Exhibit 3, and are separately attached as Exhibit 6, which are both hereby incorporated by reference.

26. Upon information and belief, Plaintiff alleges that Jay Douglas Bergman has wilfully aided or abetted Petco in the violation of the provisions of this Act or any valid rule, regulation, permit or order at issue in this action.

27. Jay Douglas Bergman is therefore liable, pursuant to Section 26(a) of the Act, 225 ILCS 725/25(a) (1998), and 62 Ill. Adm. Code 240.155(b)(1), to a civil penalty of \$1,000 a day for each and every act of violation as referenced *supra*; such penalties total at least \$223,000.

WHEREFORE, Plaintiff, People of the State of Illinois, respectfully prays that this Court grant the following relief:

A. Enter a finding that the Defendant, JAY DOUGLAS BERGMAN, has violated the Act, 225 ILCS 725/1 *et seq.*, and the Illinois Oil and Gas Rules, 62 Ill. Adm. Code 240.10 *et seq.*, by repeatedly allowing the improper disposal, release or discharge of produced fluids, resulting in an imminent danger of substantial environmental harm, and/or environmental damage to property and/or contamination of surface or ground waters of the State;

B. Enter a finding that the Defendant, JAY DOUGLAS BERGMAN, has shown a pattern of documented events involving the improper disposal, release or discharge of produced fluids over the two years preceding the filing of this complaint;

C. Enter a finding that the Defendant, JAY DOUGLAS BERGMAN, has failed to operate in a prudent manner following industry standards with regard to the performance of preventive maintenance of equipment;

D. Permanently enjoin the Defendant, JAY DOUGLAS BERGMAN, from further violations of the Illinois Oil and Gas Act, 225 ILCS 725/1 *et seq.*, and the Illinois Oil and Gas Rules, 62 Ill. Adm. Code 240.10 *et seq.*;

E. Enter a judgment for the Plaintiff, in the amount of two hundred, twenty three thousand dollars (\$223,000.00) and order the Defendants to pay the same within thirty (30) days from the entry of judgment herein;

F. Enjoin the Defendant, JAY DOUGLAS BERGMAN, from acquiring additional permits to drill new oil and/or gas production wells until the bond requested *supra* is released by the Department;

- G. Award the Department its costs; and
- H. Grant such other relief as the Court deems appropriate under the circumstances of this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
ex rel. JAMES E. RYAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: _____
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
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Date: _____