

**April 27, 2022**

**ATTORNEY GENERAL RAOUL FILES LAWSUIT AGAINST GAS STATION OWNER AND OPERATOR  
OVER GASOLINE SPILL**

***Raoul Seeks to Compel Defendants to Immediately Evaluate and Remediate Contamination***

**Chicago** — Attorney General Kwame Raoul today announced a lawsuit against the owner and operator of a gasoline service station located in Lily Lake, Illinois over a gasoline spill that resulted in a highway closure and contaminated a nearby wetland.

Attorney General Raoul's office [filed the lawsuit](#) in Kane County Circuit Court against LB Five, LLC, SERIES E (LB Five) and Oasis Lily Lake, Inc. (Oasis) regarding a gasoline spill that was reported April 6. The spill took place at a gas station owned by LB Five and operated by Oasis, which is located on Illinois Route 64. Raoul's lawsuit alleges that the release of approximately 8,000 gallons of gasoline contaminated soil and groundwater, also reaching a nearby wetland. Raoul's lawsuit seeks to require the companies to thoroughly investigate the cause of the release and to thoroughly remediate contamination.

"The defendants' project to repair and replace service lines for underground storage tanks instead resulted in the release of thousands of gallons of gasoline. The resulting contamination poses a risk to public health, and even reached nearby wetlands, which can contain unique ecosystems and be very challenging to remediate," Raoul said. "This lawsuit will ensure that the defendants thoroughly evaluate the release's impact on the environment, and develop a plan to address any and all contamination."

The lawsuit is based on a referral by the Illinois Environmental Protection Agency (IEPA).

"The actions of the station owner and operator resulted in widespread contamination to area property, including a large wetland, and full extent of area contamination is not yet fully known," said Illinois EPA Director John J. Kim. "This lawsuit is necessary to ensure the defendants take immediate action to determine the full extent of contamination and completes appropriate remediation and restoration to remove and address environmental impacts while protecting area residents."

The Route 64 gas station is owned by LB Five and included an onsite underground gasoline storage tank and distribution system, which consisted of seven underground gasoline storage tanks along with other equipment used to dispense gasoline. The site is operated by Oasis, and at the time of the release, the storage tanks' service lines were being repaired and replaced. Three tanks leaked, each which had a storage capacity of approximately 10,000 gallons.

Raoul's lawsuit alleges that when the April 6 gasoline release was discovered, the underground storage tanks had not been fully excavated. Trenches that had been dug around the excavation area filled with storm water forcing three tanks to float to the surface. The tanks ruptured upon impact with concrete slabbing, releasing approximately 8,000 gallons of gasoline. According to the Attorney General's lawsuit the trenches, once filled with a mixture of gasoline and water, overflowed into a ditch at the site. From there, the mixture flowed through a culvert running under Route 64 into the wetlands located directly across from the site. Members of the Elburn and Countryside Fire Protection District responded to a report of strong gasoline fumes and observed the sheen of gasoline and rainwater flowing from the site into the culvert. Out of an abundance of caution, officials closed a section of Route 64 and shut off electricity to the site.

The Attorney General's lawsuit alleges that in addition to the ditch south of the site and the culvert under Route 64, approximately five acres of wetlands, a tributary to Ferson Creek, have been contaminated. Raoul alleges that to date, the defendants have not thoroughly investigated or mitigated the release.

The Attorney General's office is seeking an immediate and preliminary injunction that requires the defendants to immediately investigate and eliminate the cause of gasoline contamination at the site; to remediate the impact of the release; and at the direction of the IEPA, to conduct testing to determine the nature and scope of contamination on and off the site. Raoul's lawsuit seeks to require the defendants to take steps to thoroughly remediate the site and prevent future gasoline releases, as well as civil penalties provided by the Illinois Environmental Protection Act.

Gasoline is harmful to humans if ingested or absorbed through the skin. Breathing in even small amounts of gasoline vapors can result in nose and throat irritation, headaches, dizziness, nausea and difficulty breathing. Exposures to large amounts of gasoline vapors can lead to a coma or death. Gasoline vapors are also explosive and can create a fire hazard. If dumped or spilled in waterways, gasoline is toxic to aquatic organisms and may cause long-term damage to aquatic ecosystems.

Assistant Attorneys General Karen Howard and Kevin Garstka are handling the case for Raoul's Environmental Bureau.