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Stormwater Enforcement: U.S. Environmental Protection Agency/State of Illinois and Perry County Solar Generating Facility Site Owner Enter into Consent Decree

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The United States Environmental Protection Agency (“EPA”) and State of Illinois entered into a Consent Decree (“CD”) with Prairie State Solar, LLC (“Prairie State”) to address alleged violation of the Clean Water Act construction stormwater regulations. See Civil No. 3:22-cv-02660.

The CD provides that Prairie State allegedly violated the condition and limitations in a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit during construction of a solar energy facility in Perry County, Illinois.

The construction of the solar energy facility is stated to have been undertaken without adequate safeguards designed to prevent discharges of excess sediment and stormwater to nearby waterways. Nevertheless, Prairie State does not admit any liability to the United States or the State of Illinois arising out of the transactions or occurrences alleged in a Complaint previously filed in the United States District Court for the Southern District of Illinois.

The CD assesses a civil penalty of \$225,000. The civil penalty is to be divided between the United States and the State of Illinois as follows:

- United States - \$157,500
- State of Illinois - \$67,500

The CD also requires that Prairie State undertake certain actions to comply with the Clean Water Act, Illinois Environmental Protection Act, and the Illinois NPDES permit at the solar energy farm construction site. These requirements generally address:

- Permit Coverage and Compliance
- Stormwater Pollution Prevention Plan
- Stormwater Compliance Management Team
- Stormwater Training
- Response to Stormwater Issues
- Maintenance and Submission of Site Stormwater Compliance Documents
- Approval of Deliverables
- Reporting Requirements

A copy of the CD can be downloaded [here](#).