

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. _____
	)	(Water – Enforcement)
SCI BOX, LLC,	)	
an Illinois limited liability company,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

**NOTIFICATION** - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
KWAME RAOUL, Attorney General of the State of  
Illinois

By: /s/Natalie Long  
NATALIE LONG  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
(217) 782-9034  
natalie.long@ilag.gov  
ARDC No. 6309569

Date: March 30, 2022

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

Service List

For the Respondent

SCI Box, LLC  
c/o Denise L. Wilson  
525 S. First Street  
Mount Vernon, IL 62864

SCI Box, LLC  
c/o Thomas J. Bell  
4020 Green Mount Crossing S. 239  
Shiloh, IL 62269  
tbell@bell-lawoffice.com

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**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, SCI BOX, LLC, an Illinois limited liability company, as follows:

**COUNT I**  
**FAILURE TO OBTAIN AND COMPLY WITH**  
**GENERAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM**  
**(NPDES) PERMIT FOR INDUSTRIAL ACTIVITIES**

1. This Count is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

2. The Illinois EPA is an administrative agency of the State of Illinois created by the Illinois General Assembly pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent SCI BOX, LLC (“Respondent”), at all times relevant to this Complaint, was and is an active Illinois limited liability company in good standing with the

Illinois Secretary of State. The principal mailing address for Respondent is 515 South First Street, Mount Vernon, Illinois, 62864.

4. Respondent receives the real estate tax bill for the property located at 515 South First Street, Mount Vernon, Illinois, 62864 (“Site”). The parcel number for the Site is 07-32-234-007 (Jefferson County). Respondent has owned the Site at least since the year 2010.

5. Respondent operates a corrugated cardboard box manufacturing facility. Among other activities performed at the Site, Respondent stores materials outside, including wooden pallets and waste paper that is compacted and bound. Because these materials are stored outside, they may be exposed to stormwater.

6. The activities conducted at the Site generally require coverage under the National Pollutant Discharge Elimination System (“NPDES”) General Permit for Storm Water Discharges from Industrial Activities (“NPDES General Industrial Permit”).

7. The Site held coverage under the previous iteration of the NPDES General Industrial Permit.

8. On April 5, 2017, IEPA issued the current iteration of the NPDES General Industrial Permit, with an expiration date of March 31, 2022.

9. From April 5, 2017 to September 9, 2021, Respondent failed to hold coverage under the NPDES General Industrial Permit, despite operating as an active business performing industrial activities, such as outdoor storage of materials—including wooden pallets and waste paper that is compacted and bound—which may be exposed to stormwater and therefore require stormwater permit coverage under an NPDES permit.

10. On October 19, 2018, Illinois EPA issued a “Failure to Renew General NPDES Permit for Storm Water Discharges from Industrial Activities” letter to Respondent.

11. On April 3, 2019, Illinois EPA performed a Site inspection. During the Site inspection, Illinois EPA spoke with a representative of Respondent. The representative described the current operational scenario at the Site, which involves the manufacture of corrugated boxes and the outdoor storage of wooden pallets and bound waste paper. Illinois EPA visually confirmed the presence of wooden pallets and bound waste paper stored outdoors at the Site. Illinois EPA advised the representative that coverage under the NPDES General Industrial Permit was required for the Site.

12. On April 10, 2019, Illinois EPA issued a second “Failure to Renew General NPDES Permit for Storm Water Discharges from Industrial Activities” letter to Respondent.

13. On July 22, 2021, Respondent submitted a No Exposure Certification for Exclusion from NPDES Storm Water Permitting Application (“No Exposure Certification”).

14. Following a compliance inspection, the Illinois EPA approved the No Exposure Certification on September 9, 2021.

15. From April 5, 2017 to September 9, 2021, the Respondent failed to renew coverage under the NPDES General Industrial Permit.

16. Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), provides as follows:

No person shall:

\* \* \*

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, 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 NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

17. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

“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.

18. Respondent is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

19. 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.

20. Stormwater discharge associated with industrial activity from the Site is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

21. 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.

22. Stormwater discharge associated with industrial activity from the exterior storage area on the east side of the Site discharges directly into the Casey Fork River, which is the closest receiving body of water to the Site.

23. The Casey Fork River is a “water” as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

24. Section 309.102(a) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

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.

25. Section 301.240 of the Board Water Pollution 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.)

26. 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.

27. The Site, from which stormwater flows offsite into the Casey Fork River, is a “point source” as that term is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

28. The United States Environmental Protection Agency (“USEPA”) has authorized the State of Illinois to issue NPDES permits through the Illinois EPA in compliance with federal regulations, including stormwater discharges regulated by Section 122.26, Title 40 of the Code of Federal Regulations, 40 C.F.R. § 122.26, which requires a person to obtain an NPDES permit and to implement a stormwater pollution prevention plan (“SWPPP”) for stormwater discharges associated with industrial activity.

29. Section 122.26(a) of Title 40 of the Code of Federal Regulations, 40 C.F.R. § 122.26(a), provides in pertinent part as follows:

(a) Permit requirement.

(1) Prior to October 1, 1994, discharges composed entirely of storm water shall not be required to obtain a NPDES permit except:

\* \* \*

(ii) A discharge associated with industrial activity [...];

30. Section 122.26(b) of Title 40 of the Code of Federal Regulations, 40 C.F.R. § 122.26(b), provides in pertinent part as follows:

(b) Definitions.

\* \* \*

(14) Storm water discharge associated with industrial activity means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. [...] For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; [...] sites used for the storage and maintenance of material handling equipment; [...] shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The following categories of facilities are considered to be engaging in “industrial activity” for purposes of paragraph (b)(14):

\* \* \*

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221–25;

31. Section A(2) of the NPDES General Industrial Permit establishes the permit as applicable to discharges from facilities specializing in paperboard containers and boxes, classified under Standard Industrial Classification (“SIC”) Code 265.

32. The Standard Industrial Classification Manual of the Occupational Safety and Health Administration (“OSHA”) of the United States Department of Labor establishes that a facility engaged in manufacturing corrugated and solid fiber boxes and related products is classified under SIC Code 2653, stating in pertinent part:

2653 Corrugated and Solid Fiber Boxes

Establishments primarily engaged in manufacturing corrugated and solid fiber boxes and related products from purchased paperboard of fiber stock. Important products of this industry include corrugated and solid fiberboard boxes, pads, partitions, display items, pallets, single face products, and corrugated sheets.

33. Because Respondent operates a corrugated cardboard box manufacturing facility, the Site is classified as SIC Code 2653.

34. Per Section 122.26(b) of Title 40 of the Code of Federal Regulations, 40 C.F.R. § 122.26(b)(14)(xi), stormwater discharges from the Site are therefore discharges associated with industrial activity requiring coverage under a valid NPDES permit.

35. By operating a corrugated cardboard box manufacturing facility at the Site from at least April 5, 2017 through September 9, 2021 without obtaining coverage under the NPDES General Industrial Permit, Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent SCI BOX, LLC:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

C. Ordering Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

D. Assessing against Respondent a civil penalty of \$50,000.00 for each violation of the Act and the Board's regulations, 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. Awarding to the Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020); and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT II**  
**WATER POLLUTION**

1-34. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 34 of Count I as paragraphs 1 through 34 of this Count II.

35. 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.

36. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), provides the following definition:

“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.

37. The discharge of stormwater associated with industrial activities from the Site into the Casey Fork River is “water pollution” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

38. By causing, threatening, or allowing the discharge of stormwater from the Site, Respondent caused, threatened, or allowed the discharge of contaminants so as to cause or tend to cause water pollution, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

39. Respondent caused, threatened, or allowed the discharge of contaminants in violation of Section 309.102(a) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

40. By causing and allowing the discharge of contaminants in violation of Section 309.102(a) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), Respondent thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant the following relief:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 309.102(a) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

C. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

D. Assessing against Respondent a civil penalty of \$50,000.00 for each violation of the Act and the Board's regulations, 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. Awarding to the Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020); and

F. Ordering such other and further relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

By: /s/ Andrew Armstrong  
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:  
NATALIE LONG  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62701  
Ph: (217) 782-9034  
natalie.long@ilag.gov

Date: March 30, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on March 30, 2022, I served by certified mail, return receipt requested, a true and correct copy of the documents entitled Complaint, Notice of Filing, and Certificate of Service to:

SCI Box, LLC  
c/o Denise L. Wilson  
525 S. First Street  
Mount Vernon, IL 62864

SCI Box, LLC  
c/o Thomas J. Bell  
4020 Green Mount Crossing S. 239  
Shiloh, IL 62269  
tbell@bell-lawoffice.com

/s/Lilia Brown  
Lilia Brown  
Administrative Clerk

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Affidavit of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/Lilia Brown  
Lilia Brown  
Administrative Clerk