

ILLINOIS POLLUTION CONTROL BOARD
April 11, 2019

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 19-85
) (Enforcement - Water)
WILLIAMSON ENERGY, LLC, a Delaware)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by C.M. Santos):

On February 4, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Williamson Energy, LLC (Williamson Energy). The complaint concerns Williamson Energy’s coal mine and coal preparation plant located at 18000 Dean Road in Johnston City, Williamson County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2016)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that Williamson Energy:

Count I—Violated Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) by discharging contaminants into the waters of the State causing or tending to cause water pollution in Illinois;

Count II—Violated Section 12(d) of the Act (415 ILCS 5/12(d) (2016)) by depositing contaminants upon the land in a place and manner creating a water pollution hazard;

Count III—Violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2016)), Sections 302.208(d) and 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 302.208(d), 309.102(a)), and Special Condition 1 of its National Pollutant Discharge Elimination System (NPDES) permit by discharging contaminants into a tributary causing exceedances of the applicable water quality standards for chloride and iron in Section 302.208(g) of the Board’s regulations (35 Ill. Adm. Code 302.208(g));

Count IV— Violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2016)), Section 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 309.102(a)), Section 406.202 of the Board’s mine-related water pollution regulations (35 Ill. Adm. Code 406.202), and Special Condition 1 of its NPDES permit by discharging a “mine discharge” violating the standards at Part 302 of the Board’s regulations (35 Ill. Adm. Code 302);

Count V—Violated Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 406.107 of the Board’s mine-related water pollution regulations (35 Ill. Adm. Code 406.107) by discharging a contaminant to a nearby tributary resulting in an “offensive discharge”;

Count VI—Violated Section 12(f) of the Act (415 ILCS 5/12(f) (2016)), Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)), and Standard Condition 5 and the alkaline mine drainage effluent limitations of its NPDES permit by discharging slurry solids and acid mine drainage liquids through Outfall 002 exceeding the scope of its permit;

Count VII—Violated Section 12(f) of the Act (415 ILCS 5/12(f) (2016)), Sections 305.102(a) and (b) and 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 305.102(a), (b), 309.102(a)), and Standard Conditions 12(b), 13(c)(1), and 13(d) of its NPDES Permit by intentionally diverting a waste stream from its treatment facility constituting a “bypass” without prior notice to and approval by the Illinois Environmental Protection Agency (Agency) and without submitting a report to the Agency regarding the quantity of wastes bypassed; and

Count VIII—Violated Section 12(f) of the Act (415 ILCS 5/12(f) (2016)), Section 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)), and Standard Condition 27 of its NPDES permit by failing to observe good mining practices by inadequately maintaining and controlling on-site waters exposed to disturbed materials, resulting in an unpermitted mine discharge.

On March 28, 2019, the People and Williamson Energy filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Williamson Energy does not admit the alleged violations and agrees to pay a civil penalty of \$80,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written comment or demand for hearing within 30 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties’ request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Board Member B.K. Carter abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 11, 2019 by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don A. Brown, Clerk
Illinois Pollution Control Board