## ILLINOIS POLLUTION CONTROL BOARD April 16, 2020

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	)
v.	) PCB 20-68
CERRO FLOW PRODUCTS, LLC, a Delaware Limited Liability Company,	) (Enforcement - Land) ) )
Respondent.	)

ORDER OF THE BOARD (by A. Palivos):

On March 20, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Cerro Flow Products, LLC (Cerro). The complaint concerns Cerro's property located at 3000 Mississippi Avenue in Sauget, St. Clair County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Cerro violated the following authorities:

**Count I**—Section 21(f)(1) of the Act (415 ILCS 5/21(f)(1) (2018)) and Sections 703.121(a)-(b) of the Board's regulations (35 Ill. Adm. Code 703.121(a)-(b)) by conducting hazardous-waste storage operations at the facility without a RCRA permit;

**Count II**—Section 725.212(a) of the Board's regulations (35 Ill. Adm. Code 725.212(a)) by failing to have a written closure plan for the facility. By violating the Board's regulations, Cerro also violated Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2018));

**Count III**—Section 725.242(a) of the Board's regulations (35 Ill. Adm. Code 725.242(a)) by failing to have a written cost estimate or financial assurance for closure of the facility. By violating the Board's regulations, Cerro also violated Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2018));

**Count IV**—Section 725.274 of the Board's regulations (35 III. Adm. Code 725.274) by failing to conduct weekly inspections of the area of the facility in which containers of hazardous waste were maintained. By violating the Board's regulations, Cerro also violated Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2018)); and

**Count V**— Section 725.135 of the Board's regulations (35 Ill. Adm. Code 725.135) by failing to provide adequate aisle space to allow the unobstructed movement of personnel, fire protection, and decontamination equipment. By violating the Board's regulations, Cerro also violated Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2018)).

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On March 20, 2020, simultaneously with the People's complaint, the People and Cerro 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Cerro does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$20,000.

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 demand for hearing within 21 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) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 16, 2020 by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board