ILLINOIS POLLUTION CONTROL BOARD July 16, 2020

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 20-94 (Enforcement - Air)
EQUISTAR CHEMICALS, LP, a Delaware limited partnership,)	
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On June 22, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Equistar Chemicals, LP (Equistar), a Delaware limited partnership. The complaint concerns Equistar's chemical manufacturing plant located at 625 East U.S. Highway 36 in Tuscola, Douglas 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 Equistar violated Section 215.301 of the Board Regulations (35 Ill. Adm. Code 215.301), Section 9(a) of the Act (415 ILCS 5/9(a) (2018)), Condition 4.1.2(d)(i)(F) of a Clean Air Act Permit Program (CAAPP) permit, Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2018)), and Section 9.1(d) of the Act (415 ILCS 5/9.1(d) (2018)) through violations of volatile organic material emission limits, violation of CAAPP permit conditions, and operation of a process flare with visible emissions. 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 June 22, 2020, simultaneously with the People's complaint, the People and Equistar 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, Equistar neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$120,000.

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 July 16, 2020, by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown