## ILLINOIS POLLUTION CONTROL BOARD August 11, 2022

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 22-84
CHEMTRADE SOLUTIONS, LLC, a	)	(Enforcement - Water)
Delaware limited liability company,	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by A. Palivos):

On June 10, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Chemtrade Solutions, LLC (Chemtrade). The complaint concerns Chemtrade's inorganic chemical supply facility located at 2500 Kingshighway in East St. Louis, St. Clair County. Accompanying the complaint was a stipulation, proposal for settlement and request for relief from hearing requirement. On June 23, 2022, the Board accepted the complaint. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Chemtrade violated Sections 12(a) and 12(f) of the Act (415 ILCS 5/12(a), 12(f) (2020)) and Sections 305.102(b) and 309.102(a) of the Board's Water Pollution Regulations (35 Ill. Adm. Code 305.102(b), 309.102(a)) and Special Condition 6 of NPDES Permit No. IL0000647.

The People allege that Chemtrade committed these violations by causing, threatening or allowing discharges from point sources into a water of the State in violation of its National Pollutant Discharge Elimination System (NPDES) permit and Board regulations; by causing, threatening or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution in violation of the Act and Board regulations; by discharging contaminants into the waters of the State from point sources not in compliance with the conditions of its NPDES permit; and by not submitting the discharge monitoring reports required by its NPDES permit.

On June 10, 2022, simultaneously with the People's complaint, the People and Chemtrade 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. On June 26, 2022, the newspaper notice was published in the *Belleville News-Democrat*. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Chemtrade's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Chemtrade admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Chemtrade agrees to pay a civil penalty of \$12,000 within 30 days after the date of this order. The People and Chemtrade have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

## **ORDER**

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Chemtrade must pay a civil penalty of \$12,000 no later than September 12, 2022, which is the first business day following the 30th day after the date of this order. Chemtrade must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
- 3. Chemtrade must submit payment of the civil penalty to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

Chemtrade must send a copy of the certified check or money order and any transmittal letter to:

Emma L. Hudspath Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 500 South Second Street Springfield, IL 62706 Emma.Hudspath@ilag.gov

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
- 5. Chemtrade must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

## IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2020); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court			
Parties	Board		
Office of Illinois Attorney General Attn: Emma L. Hudspath 500 South Second Street Springfield, Illinois 62706 Emma.Hudspath@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605		
Chemtrade Solutions, LLC Attn: Gustavo Tonding, Plant Manager 2500 Kingshighway East St. Louis, Illinois 62201			

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 11, 2022, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board