

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|  |   |                            |
|--|---|----------------------------|
| <b>PEOPLE OF THE STATE OF ILLINOIS,</b>      | ) |                            |
| <b>by KWAME RAOUL, Attorney General</b>      | ) |                            |
| <b>of the State of Illinois,</b>             | ) |                            |
|  | ) |                            |
| <b>Complainant,</b>                          | ) |                            |
|  | ) |                            |
| <b>v.</b>                                    | ) | <b>PCB No.</b>             |
|  | ) | <b>(Enforcement – Air)</b> |
| <b>CHEMTRADE SOLUTIONS, LLC,</b>             | ) |                            |
| <b>a Delaware limited liability company,</b> | ) |                            |
|  | ) |                            |
| <b>Respondent.</b>                           | ) |                            |

**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, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirement and Certificate of Service, 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.

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL, ATTORNEY GENERAL

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

BY: s/Emma L. Hudspath  
Emma L. Hudspath  
Environmental Bureau  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62701  
217/782-9031  
Emma.Hudspath@ilag.gov

Dated: January 6, 2023

**Service List**

**For the Respondent**

Chemtrade Solutions, LLC  
c/o Gustavo Tonding, Plant Manager  
2500 Kingshighway  
East St. Louis, IL 62201  
*(via certified mail)*

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|  | ) |                |
| <b>Respondent.</b>                           | ) |                |

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, CHEMTRADE SOLUTIONS, LLC, a Delaware limited liability company, as follows:

**COUNT I**  
**FAILURE TO SUBMIT ANNUAL EMISSIONS REPORT**

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”), pursuant to 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 pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board (“Board”).

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020), after providing Respondent, Chemtrade Solutions, LLC (“Respondent”), with notice and the opportunity for a meeting with the Illinois EPA.

4. At all times relevant to this Complaint, the Respondent is and was the operator of a sodium aluminum sulfate processing plant, located at 2500 Kingshighway, Fairmont City, St. Clair County, Illinois, 62201, also referred to as 2500 Kingshighway, East St. Louis, St. Clair County, Illinois, 62201 (“Facility”).

5. As of the date of filing of this Complaint, the Site is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

6. Respondent is a Delaware limited liability company in good standing and authorized to do business in the State of Illinois.

7. The Facility currently consists of the following emissions sources: Aluminum Trihydrate Unloading, Aluminum Trihydrate Storage Silo, and two (2) Aluminum Trihydrate Charge Hoppers, all controlled by Baghouse C001.

8. The emissions sources at the Facility are capable of emitting particulate matter (“PM”).

9. On February 26, 2007, the Illinois EPA issued an operating permit for emission units at the Facility.

10. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

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

“Person” means 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.

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

13. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

14. PM is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

15. Section 3.115 of the Act, 415 ILCS 5/3.115 (2020), provides the following definition:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

16. Because the equipment described in Paragraph 7, above, emits, emitted, and/or is capable of emitting PM to the atmosphere, the aforementioned equipment is capable of causing or contributing to air pollution.

17. Section 201.302(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

- a) The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency

may require more frequent reports when necessary to accomplish the purposes of the Act and this Chapter.

18. Section 254.102(b) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.102(b), provides as follows:

- b) Subpart C of this Part applies to the owner or operator of any source of regulated air pollutants required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is not subject to subsection (a) of this Section.

19. Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.132(a), provides as follows:

- a) Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

20. Section 254.137(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.137(a), provides as follows:

- a) All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

21. Section 201.101(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

201.101(b), provides as follows:

- b) All terms defined in 35 Ill. Adm. Code 211 which appear in this Part have the definitions specified by 35 Ill. Adm. Code 211.

22. Section 211.4370 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

211.4370, provides the following definition:

“Owner or operator” means any person who owns, operates, leases, controls, or supervises a source, an emission unit or air pollution control equipment.

23. Section 211.5500(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.5500(b), provides the following definition:

(b) "Regulated air pollutant" shall, for the purposes of 35 Ill. Adm. Code 201.180(a), mean any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

24. Section 211.1950 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.1950, provides the following definition:

"Emission unit" means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.

25. PM is a "regulated air pollutant" as that term is defined in Section 211.5500 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.5500.

26. Respondent is an "owner or operator," as that term is defined in Section 211.4370 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, of the emission units at the Facility and, therefore, was required to submit an AER to the Illinois EPA by May 1 of the following calendar year in which the emissions took place pursuant to Section 254.137(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a).

27. Respondent submitted an AER for the year 2020 on January 31, 2022 to the Illinois EPA. This AER was submitted to Illinois EPA approximately 275 days late.

28. By failing to submit an AER for the Facility for the year 2020 to the Illinois EPA by May 1, 2021, Respondent violated Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

29. By failing to submit to the Illinois EPA an AER for the year 2020 by May 1, 2021, in violation of Board regulations, Respondent thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, CHEMTRADE SOLUTIONS, LLC:

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

B. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and



F. Ordering such other relief as the Board may deem appropriate and just.

Respectfully submitted,

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/Rachel R. Medina  
RACHEL R. MEDINA,  
Deputy Bureau Chief  
Environmental Bureau  
Assistant Attorney General  
ARDC #6297171

Of Counsel

Emma L. Hudspath  
Assistant Attorney General  
ARDC# 6324083  
Illinois Attorney General  
500 South Second Street  
Springfield, Illinois 62701  
(217)557-4635  
emma.hudspath@ilag.gov

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**Complainant,** )

**v.** )

**PCB No.**

**CHEMTRADE SOLUTIONS, LLC,** )  
**a Delaware limited liability company,** )

**Respondent.** )

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and Chemtrade Solutions, LLC, (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2020), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. Contemporaneously with this filing, a Complaint was filed 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 upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020).

3. At all times relevant to the Complaint, the Respondent is and was a Delaware limited liability company in good standing and authorized to do business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent was and is the operator of a sodium aluminum sulfate processing plant, located at 2500 Kingshighway, Fairmont City, St. Clair County, Illinois, 62201, also referred to as 2500 Kingshighway, East St. Louis, St. Clair County, Illinois, 62201 ("Facility").

5. As of the date of filing this Stipulation, the Site is located in an area of Environmental Justice ("EJ") concern as identified using Illinois EPA EJ Start.

6. On February 26, 2007, Illinois EPA issued an operating permit for emission units at the Facility.

7. Respondent submitted an Annual Emissions Report ("AER") for the year 2020 on January 31, 2022 to the Illinois EPA. This AER was submitted to Illinois EPA approximately 275 days late.

**B. Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Failure to Submit Annual Emissions Report  
415 ILCS 5/9(a) (2020); 35 Ill. Adm. Code 201.302(a), 254.132(a)

**C. Admission of Violations**

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

**D. Compliance Activities to Date**

Respondent submitted the required AER for the year 2020 to Illinois EPA on January 31, 2022.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

**III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved, including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;

3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations thereby threatening human health and the environment.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility is suitable for the area in which it is located, so long as it is operated in compliance with the Act and the Board regulations.
4. Timely submission of AERs is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and Board regulations.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under ... this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondent failed to timely submit an AER for 2020. The AER was subsequently submitted on January 31, 2022, which is approximately 275 days late.
2. Respondent was diligent in attempting to come back into compliance with the Act and Board regulations, once the Illinois EPA notified it of its noncompliance.
3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of twelve thousand dollars (\$12,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. Respondent was the subject of an enforcement action *People v. Chemtrade Solutions, LLC*, PCB 22-84, in which Respondent entered into a Stipulation and Proposal for

Settlement filed contemporaneously with the Complaint, which ordered Respondent to pay a civil penalty of twelve thousand dollars (\$12,000.00) for the late submission of discharge monitoring reports ("DMRs") as required by Respondent's NPDES permit. Respondent was also previously the subject of an enforcement action in *People v. Chemtrade Solution, LLC*, 2016-CH-419 (St. Clair County), which involved groundwater contamination. The matter was resolved by a Consent Order, requiring, among other things, that Respondent pay a civil penalty of seventy thousand dollars (\$70,000.00).

6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was not at issue in this matter.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Twelve Thousand Dollars (\$12,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.
2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties

shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Emma L. Hudspath  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701

**D. Future Compliance**

I. In addition to any other authorities, the Illinois EPA, its employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluation compliance status. In conducting such inspections, the Illinois EPA, its employees and



representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

3. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the Twelve Thousand Dollar (\$12,000.00) penalty, its commitment to cease and desist as contained in Section V.D.4 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneously with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violations of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

**F. Correspondence, Reports and Other Documents**

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Emma L. Hudspath  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701

Crystal Myers-Wilkins  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

As to the Respondent

Chemtrade Solutions, LLC  
c/o Gustavo Tonding, Plant Manager  
2500 Kingshighway  
East St. Louis, IL 62201

**G. Enforcement of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**H. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


PEOPLE OF THE STATE OF ILLINOIS


ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL  
Attorney General  
State of Illinois

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

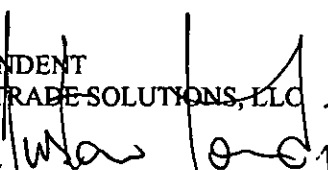
JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY:   
ANDREW ARMSTRONG, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
CHARLES GUNNARSON  
Chief Legal Counsel

DATE: 12/13/2022

DATE: 12/8/22

RESPONDENT  
CHEMTRADE SOLUTIONS, LLC  
BY:   
Its: PLANT MANAGER  
[title of signatory]  
DATE: 12-05-22

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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| <b>PEOPLE OF THE STATE OF ILLINOIS,</b>      | ) |                |
| <b>by KWAME RAOUL, Attorney General</b>      | ) |                |
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| <b>v.</b>                                    | ) | <b>PCB No.</b> |
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| <b>CHEMTRADE SOLUTIONS, LLC,</b>             | ) |                |
| <b>a Delaware limited liability company,</b> | ) |                |
|  | ) |                |
| <b>Respondent.</b>                           | ) |                |

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2020), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020); Section 201.302(a) Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a); and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).
2. Complainant filed its Complaint contemporaneously with the Stipulation.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.
5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this Motion for Relief from Hearing Requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020).

Respectfully submitted,

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/ Emma L. Hudspath  
Emma L. Hudspath  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
ARDC #6324083  
Ph: (217)557-4635  
emma.hudspath@ilag.gov

Dated: January 6, 2023

**CERTIFICATE OF SERVICE**

I, Emma L. Hudspath, an Assistant Attorney General, certify that on the 6th day of January, 2023, I caused to be served the Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirements by certified mail to:

Chemtrade Solutions, LLC  
c/o Gustavo Tonding, Plant Manager  
2500 Kingshighway  
East St. Louis, IL 62201

By: s/ Emma L. Hudspath  
EMMA L. HUDSPATH  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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Cell: 217-843-0925  
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