

ILLINOIS POLLUTION CONTROL BOARD
May 4, 2023

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 23-111
) (Enforcement - Air)
CST INDUSTRIES, INC., a Delaware)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by J. Van Wie):

On April 12, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against CST Industries, Inc. (CST). The complaint concerns CST’s storage tank manufacturing facility located at 345 Harvestore Drive, DeKalb, DeKalb County (Facility). 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 (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 CST violated the Act and Board Air Pollution Regulations as follows:

- Count I: By causing or allowing the emission of volatile organic material (VOM) to exceed the limitations in Section 215.204(j)(3) of the Board Air Pollution Regulations (35 Ill. Adm. Code 215.204(j)(3)), respondent caused or threatened or allowed the discharge or emission of VOM into the environment so as to violate a regulation adopted by the Board, and thereby violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)). By failing to comply with the coating operation emission limits in Condition 5(iii) of CST’s Federally Enforceable State Operating Permit (FESOP) No. 73120098, respondent constructed, installed, or operated any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, so as to violate a condition imposed by a permit, and thereby violated Section 9(b) of the Act (415 ILCS 5/9(b) (2020)).

- Count II: By failing to keep records and comply with reporting requirements in violation of Section 215.206(c) of the Board Air Pollution Regulations (35 Ill. Adm. Code 215.206(c)), respondent caused or threatened or allowed the discharge or emission of VOM into the environment so as to violate a regulation adopted by the Board, and thereby violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)). By failing to keep records and comply with reporting requirements in violation of Conditions 7(a) and 21 of FESOP No. 73120098, respondent constructed, installed, or operated any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, so as to violate conditions imposed by a permit, and thereby violated Section 9(b) of the Act (415 ILCS 5/9(b) (2020)).
- Count III: By failing to keep, maintain and produce records and comply with reporting requirements of Conditions 10(e), 18(a)(ii) and (iii), 18(a)(viii), 18(a)(x), 18(b), and 22(a) of FESOP Permit No. 73120098, respondent constructed, installed, or operated any equipment, facility, vehicle, vessel or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, so as to violate a permit condition, and thereby violated Section 9(b) of the Act (415 ILCS 5/9(b) (2020)).
- Count IV: By failing to keep and maintain records required by Section 63.11519(c)(5) of Subpart XXXXXX of the National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 C.F.R. § 63.11519(c)(5)), and Conditions 8(a)(i)(C), 9(b), and 18(a)(i) of FESOP No. 73120098, respondent thereby violated Sections 9.1(d)(1) and 9(b) of the Act (415 ILCS 5/9.1(d)(1), 9(b) (2020)).
- Count V: By failing to re-certify trained spray-painting personnel as required by Section 63.11516(d)(9) of Subpart XXXXXX of the NESHAP (40 C.F.R. § 63.11516(d)(9)), and Condition 8(a)(ix) of FESOP No. 73120098, respondent thereby violated Sections 9.1(d)(1) and 9(b) of the Act (415 ILCS 5/9.1(d)(1), 9(b) (2020)).
- Count VI: By failing to timely submit complete and accurate annual emissions reports for 2018 in violation of Section 201.302(a) of the Board Air Pollution Regulations (35 Ill. Adm. Code 201.302(a)), respondent thereby violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)).
- Count VII: By failing to timely submit annual certification and compliance reports required by Section 63.11519(b) of Subpart XXXXXX of the NESHAP (40 C.F.R. § 63.11519(b)), respondent thereby violated Section 9.1(d)(1) of the Act (415 ILCS 5/9.1(d)(1) (2020)).
- Count VII: By failing to timely submit complete and accurate annual emissions reports for 2020 in violation of Section 201.302(a) of the Board Air

Pollution Regulations (35 Ill. Adm. Code 201.302(a)), respondent thereby violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)).

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 April 12, 2023, simultaneously with the People's complaint, the People and CST 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). Under the proposed stipulation, CST does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$75,000.

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) (2020); 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 May 4, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board