ILLINOIS POLLUTION CONTROL BOARD December 17, 2015

PEOPLE OF THE STATE OF ILLINOIS,)	
Compleinant)	
Complainant,)	
v.)	PCB 16-65
)	(Enforcement - Water)
TERMINAL RAILROAD ASSOCIATION OF	7)	
ST. LOUIS, LLC, a Missouri corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.D. O'Leary):

On December 2, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Terminal Railroad Association of St. Louis, LLC (respondent). The complaint concerns a railroad equipment maintenance facility operated by respondent and located south of Bend Road in Lovejoy Township approximately 1,000 feet southeast of Brooklyn in 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 21(f) of the Act (415 ILCS 5/21(f) (2014)); Sections 702.141, 724.243, 725.115(c) and 725.213(b) of the Board's waste disposal regulations (35 Ill. Adm. Code 702.141, 724.243, 725.115(c), 725.213(b)); and Condition 9 of Remedial Action Plan Permit No. B-171, dated May 21, 2007, by failing to remedy deteriorating components of multiple monitoring wells, failing to submit a work plan to address groundwater contamination, failing to conduct sampling and analysis of groundwater at multiple wells, not maintaining financial assurance for the amount of the approved closure cost estimate, and violating a permit condition. 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 December 2, 2015, simultaneously with the People's complaint, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from

¹ On December 2, 2015, respondent filed an answer and affirmative defenses stating that it did so "to preserve its rights and as a placeholder, recognizing that a Stipulation and Proposal for Settlement, which has been signed by Terminal Railroad and the State of Illinois, has been filed with the Illinois Pollution Control Board for its approval."

the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, respondent denies the alleged violations and agrees to pay a civil penalty of \$47,000.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 17, 2015, by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board