

ILLINOIS POLLUTION CONTROL BOARD
August 13, 2020

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 20-98
) (Enforcement - Land)
AUX SABLE LIQUID PRODUCTS, INC., a)
Delaware corporation, AUX SABLE LIQUID)
PRODUCTS LP, a Delaware limited)
partnership, CLEAN HARBORS)
ENVIRONMENTAL SERVICES, INC., a)
Massachusetts corporation, and WASTE)
MANAGEMENT OF ILLINOIS, INC., a)
Delaware Corporation,)
)
Respondents.)

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

On June 30, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Aux Sable Liquid Products, Inc., Aux Sable Liquid Products LP (collectively Aux Sable respondents), Clean Harbors Environmental Services, Inc. (Clean Harbors), and Waste Management of Illinois, Inc. (Waste Management) (collectively respondents). The complaint concerns the disposal of contaminated molecular sieve material from Aux Sable Liquid Products LP’s natural gas liquids extraction and fractionation facility located at 6155 East State Route 6 in Morris, Grundy County, and at Waste Management’s waste disposal facility located at 21233 West Laraway Road in Joliet, Will County. Clean Harbors transported the contaminated molecular sieve material to Waste Management’s waste disposal facility. In a separate stipulation, the People, Clean Harbors, and Waste Management now seek to settle without a hearing. The Aux Sable respondents are not parties to this stipulation. For the reasons below, the Board 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 respondents violated the following authorities:

Count I—Improper disposal of hazardous waste and failure to prepare a hazardous waste manifest by the Aux Sable respondents in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2018));

Count II—Improper disposal of hazardous waste by Clean Harbors in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2018));

Count III—Failure to prepare a hazardous waste manifest by the Aux Sable respondents in violation of Section 722.120(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 722.120(a));

Count IV—Violation of regulations applicable to transporters of hazardous waste by Clean Harbors in violation of Section 723.120(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 723.120(a)) and Section 21(g)(2) of the Act (415 ILCS 5/21(g)(2) (2018));

Count V—Violation of landfill operating permit by Waste Management in violation of Conditions III.D.2.g and III.D.2.j of Permit No. B-141R-M-126 and Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2018)); and

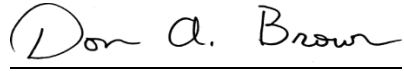
Count VI—Accepting hazardous waste without a RCRA hazardous waste permit by Waste Management in violation of Section 21(f)(1) of the Act (415 ILCS 5/21(f)(1) (2018)) and Section 703.121(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 703.121 (a)).

On July 17, 2020, the People, Clean Harbors, and Waste Management filed a stipulation and proposed settlement, accompanied by a motion to request relief from the hearing requirement of Section 31(c)(1) of the Act (Motion) (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). The Motion states that the violations alleged to have been committed by the Aux Sable respondents “remain at issue.” Mot. at 2. Under the proposed stipulation, Clean Harbors and Waste Management do not affirmatively admit the alleged violations and each agree to pay a civil penalty of \$14,750.

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 August 13, 2020, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board