

Count V – Peoria Barge alone violated Section 12(d) of the Act (415 ILCS 5/12(d) (2016)) by depositing contaminants upon the land at the site in such a manner as to create a water pollution hazard;

Count VI – Peoria Barge alone violated Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 302.203 of the Board’s regulations (35 Ill. Adm. Code 302.203) by causing offensive conditions by discharging coal and coal-laden storm water from the coal storage pile into the unlined collection pond, creating coal bottom deposits and surface water with petroleum sheen;

Count VII – Peoria Barge alone violated Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 304.106 of the Board’s regulations (35 Ill. Adm. Code 304.106) by discharging storm water containing settleable solids, such as coal, causing offensive discharges;

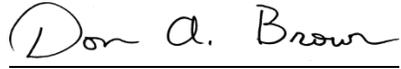
Count VIII – Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 620.301(a) of the Board’s regulations (35 Ill. Adm. Code 620.301(a)) by causing, threatening, or allowing contaminated storm water to discharge onto the ground and into the unlined drainage channel, the unlined collection pond, and ultimately causing, threatening, or allowing the contaminated storm water to leach into the soil and release contaminants into the groundwater supply.

On November 20, 2020, the People, Peoria Barge and Morton Salt filed two separate stipulations and proposed settlements, accompanied by requests for relief from the hearing requirement of Section 31(c)(1) of the Act (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). Under the proposed stipulations, Peoria Barge admits to the violations and Morton Salt does not affirmatively admit the allegations of violation. Peoria Barge agrees to pay a civil penalty of \$20,000. Morton Salt agrees to pay a civil penalty of \$30,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of these stipulations, proposed settlements, and requests 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 December 3, 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