

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by KWAME RAOUL, Attorney General)
 of the State of Illinois,)
)
 Complainant,)
)
 v.)
)
 CHEMTRADE SOLUTIONS, LLC,)
 a Delaware limited liability company,)
)
 Respondent.)

PCB No.
(Enforcement – Water)

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: June 10, 2022

Service List

For the Respondent

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

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.)	

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
NPDES PERMIT VIOLATIONS

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 the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2018), against Respondent CHEMTRADE SOLUTIONS, LLC.

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2020), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2020), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

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

5. At all times relevant to this Complaint, Chemtrade has been a Delaware limited liability company licensed by the Illinois Secretary of State to do business in the State of Illinois. Chemtrade operates an inorganic chemical supply facility (“Facility”) located at 2500 Kingshighway, East St. Louis, St. Clair County, Illinois.

6. The Facility has two outfalls which discharge into Rose Creek.

7. On March 1, 2014, the Illinois EPA issued Chemtrade NPDES Permit No. IL0000647 (“NPDES Permit”), authorizing discharges of wastewater from the Facility’s outfalls to Rose Creek. This permit expired on February 28, 2019, but was administratively continued when Chemtrade submitted a timely renewal application. On July 25, 2019, Illinois EPA issued Chemtrade its renewed NPDES Permit.

8. Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), provides as follows:

No person shall:

- (f) Cause, threaten, or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the

Board of any order adopted by the Board with respect to the NPDES program.

9. Section 401.11(d) of the Code of Federal Regulations (“C.F.R.”), 40 C.F.R. 401.11(d), provides as follows:

The term point source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

10. The outfalls used by the Facility are each a “point source,” within the meaning of 40 C.F.R. 401.11(d) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

11. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), states as follows:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

12. Rose Creek is a water of the State.

13. Section 3.320 of the Act, 415 ILCS 5/3.320 (2020), states as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, joint-stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, or agent or assigns.

14. Chemtrade is a limited liability company, which is therefore a “person” as that term is defined in Section 3.320 of the Act, 415 ILCS 5/3.320 (2020).

15. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), states as follows:

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

16. The wastewater discharges from Chemtrade’s Facility constitute “contaminants” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

17. Section 305.102(b) of the Board Regulations, 35 Ill. Adm. Code 305.102(b), provides as follows:

- a) Every holder of an [NPDES] permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

18. Special Condition 6 of the NPDES Permit provides as follows:

The Permittee shall record monitoring results on the discharge monitoring reports [DMR] electronic forms using one such form for each outfall each month. In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated. . . . The completed [DMR] forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority. . . .

19. Chemtrade failed to timely submit DMRs to Illinois EPA for the months of April 2019 through July 2020.

20. By not submitting the required DMR forms to Illinois EPA, Respondent violated Special Condition 6 of the NPDES Permit and Section 305.102(b) of the Board Regulations, 35 Ill. Adm. Code 305.102(b).

21. Section 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

22. By discharging contaminants into the waters of the State from a point source not in compliance with the conditions of its NPDES Permit, Respondent violated Section 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 309.102(a).

23. By causing, threatening, or allowing discharges from point sources into a water of the State in violation of Special Condition 6 of the NPDES Permit; Section 305.102(b) of the Board Regulations, 35 Ill. Adm. Code 305.102(b); and Section 309.102(b) of the Board Regulations, 35 Ill. Adm. Code 309.102(b), Respondent further violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CHEMTRADE LOGISTICS, INC., on Count I:

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

B. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2020); Section 305.102(b) of the Board Regulations, 35 Ill. Adm. Code 305.102(b); Special Condition 6 of NPDES Permit No. IL0000647; and Section 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 309.102(a);

C. Ordering Respondent to cease and desist from further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020); Section 305.102(b) of the Board Regulations, 35 Ill. Adm. Code 305.102(b); Special Condition 6 of NPDES Permit No. IL0000647; and Section 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 309.102(a);

D. Assessing against Respondent a civil penalty of up to \$10,000.00 for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2020); Section 305.102(b) of the Board Regulations, 35 Ill. Adm. Code 305.102(b); Special Condition 6 of NPDES Permit No. IL0000647; and Section 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 309.102(a);

E. Ordering 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 and further relief as the Board deems appropriate and just.

COUNT II
WATER POLLUTION

1-23. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count II.

24. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), provides as follows:

No person shall:

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

25. By causing, threatening, or allowing the discharge of contaminants into the environment in violation of Section 309.102(a) of the Board Regulations, 35 Ill Adm. Code 309.102(a), Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CHEMTRADE LOGISTICS, INC., on Count II:

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

B. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 309.102(a);

C. Ordering Respondent to cease and desist from further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 309.102(a);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and an additional penalty of up to \$10,000 per day, for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020);

E. Ordering 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 and further relief as the Board deems 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/ Andrew Armstrong
ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General
ARDC #6282447

Emma L. Hudspath
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
ARDC #6324083
Ph: (217) 557-4635
Fax: (217) 524-7740
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. Concurrently with the filing of this Stipulation, 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, Respondent is and was a limited liability company operating an inorganic chemical supply facility ("Facility"), located at 2500 Kingshighway, East St. Louis, St. Clair County, Illinois. As of the date of filing of the Complaint, the Site is located in an area of Environmental Justice ("EJ") concern as identified using Illinois EPA EJ Start.

4. On July 25, 2019, Illinois EPA issued renewed NPDES Permit IL0000647 ("NPDES Permit") to Respondent. The prior iteration of the Permit had been effective from March 1, 2014 to February 28, 2019, and was administratively continued when Illinois EPA received Respondent's timely renewal application. The NPDES Permit imposes condition on Respondent's discharges from two outfalls at the Facility into Rose Creek.

5. Special Condition 6 of the NPDES Permit requires Respondent to generate Discharge Monitoring Reports ("DMRs") for each outfall monthly and submit them electronically to Illinois EPA no later than the 25th day of the following month. Respondent failed to timely submit DMRs for the months of April 2019 through July 2020.

B. Allegations of Non-Compliance

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

Count I: NPDES Permit Violations
Section 12(f) of the Act, 415 ILCS 5/12(f) (2020), Section 305.102(b) of the Board Regulations, 35 Ill. Adm. Code 305.102(b), and NPDES Permit No. IL0000647

Count II: Water Pollution
Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 309.102(a)
of the Board Regulations, 35 Ill. Adm. Code 309.102(a)

C. Admission of Violations

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

On September 8, 2020, Respondent submitted all missing DMRs to Illinois EPA and thereafter timely submitted all subsequent DMRs.

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 the 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 was and is suitable for the area in which it is located, so long as it is operated in compliance with the Act and Board regulations.
4. It was technically practicable and economically reasonable for Respondent to timely submit electronic DMRs in compliance with its NPDES Permit.
5. Respondent has subsequently complied with the Act and the 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. The Respondent failed to submit DMRs in compliance with its NPDES Permit for the months of April 2019 through July 2020.
2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations, and applicable federal 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 \$12,000 will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. Respondent was previously the subject of an enforcement action in *People v. Chemtrade Solutions, 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 \$70,000.

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 \$12,000 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 62702

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

D. Future Compliance

1. Respondent shall comply with all terms and conditions of its NPDES Permit No. IL0000647.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his 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 evaluating 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.

3. 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.

4. 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 \$12,000 penalty, and its commitment to cease and desist as contained in Section V.D.4 above, 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. 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 violation 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 (2020), or entity other than the Respondent.

F. 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.

G. 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.

H. Opportunity for Public Comment

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondent consents

to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

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
KWAME RAOUL
Attorney General
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: _____
ANDREW B. ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

BY: _____
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: _____

DATE: _____

RESPONDENT
CHEMTRADE SOLUTIONS, LLC

[Handwritten signature]

DATE: 05-25-22

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
KWAME RAOUL
Attorney General
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: 
ANDREW B. ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 06/08/2022

DATE: 6/6/22

RESPONDENT
CHEMTRADE SOLUTIONS, LLC

DATE: _____

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.)	

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 Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a), (f) (2020); and Sections 305.102(b) and 309.102(a) of the Board Regulations, 35 Ill. Adm. Code 305.102(b), 309.102(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: June 10, 2022

CERTIFICATE OF SERVICE

I, Emma L. Hudspath, an Assistant Attorney General, certify that on the 10th day of June, 2022, 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
500 South Second Street
Springfield, IL 62701
Cell: 217-843-0925
Emma.Hudspath@ilag.gov
ARDC No. 6324083