

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)).

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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Daily Chronical* on May 5, 2023. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of CST's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. CST does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, CST agrees to pay a civil penalty of \$75,000 within 30 days after the date of this order. The People and CST have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. CST must pay a civil penalty of \$75,000 no later than July 3, 2023, which is the first business day following the 30th day after the date of this order. CST must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. CST must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

CST must send a copy of the certified check or money order and any transmittal letter to:

Audrey Avila
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. CST must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

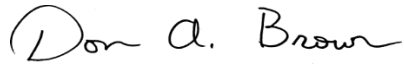
IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2020); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Attorney General's Office Attn: Audrey Avila Assistant Attorney General Environmental Bureau 69 W. Washington Street, 18th Floor Chicago, Illinois 60602 Audrey.Avila@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St., Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Husch Blackwell LLP Attn: Jon Micah Goeller	

120 South Riverside Plaza, Suite 2200 Chicago, IL 60606 JonMicah.Goeller@huschblackwell.com	
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 1, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board