

ILLINOIS POLLUTION CONTROL BOARD

August 3, 2023

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 24-5
)	(Enforcement - Air)
HAWKINS, INC., a Minnesota corporation,)	
d/b/a VERTEX CHEMICAL)	
CORPORATION,)	
)	
Respondent.)	

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

On July 19, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Hawkins, Inc., doing business as Vertex Chemical Corporation (Vertex). The complaint concerns Vertex’s facility for manufacturing and distributing bleach, methanol-based windshield washer fluid, and antifreeze located at 3101 Carondelet Avenue, Dupou, 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 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Vertex violated the Act and Board regulations as follows:

Count I: Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), by operating emission units without having obtained the required operating permit from Illinois EPA.

Count II: Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022), by operating a major source without the requisite Clean Air Act Permit Program permit.

Count III: Section 9(a) of the Act, and Sections 201.302(a), and 254.132(a) of the Board’s Air Pollution Regulations, 415 ILCS 5/9(a) (2022), 35 Ill. Adm. Code 210.302(a), 254.132(a), by failing to timely submit annual emissions reports for the facility for the operating years 2011 through 2020 to Illinois EPA.

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 July 19, 2023, simultaneously with the People's complaint, the People and Vertex 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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, Vertex does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$78,850 and avoided permit fees of \$21,150.

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) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Member M. D. Mankowski abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 3, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board