

soils beneath the Facility so as to likely render the groundwater at and beneath the Facility harmful or detrimental or injurious to public health, safety or welfare, or commercial, industrial or other legitimate uses; by causing the Scrubber Solution to be deposited onto the ground at the Facility, thereby threatening the groundwater beneath the Facility and creating a water pollution hazard; by causing or allowing the discharge, deposit, spilling, leaking and/or placing of waste on the land at the Facility, which was not permitted by the Illinois Environmental Protection Agency (IEPA) for disposal of waste; and by disposing and abandoning waste at the Facility that was not permitted for waste disposal by the IEPA. The Board finds that the complaint meets the content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On October 12, 2022, simultaneously with the People's complaint, the People and Sterigenics 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 newspaper notice was published in *Daily Herald* on October 25, 2022. 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 Sterigenics' 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. Sterigenics neither admits nor denies 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, Sterigenics agrees to pay a civil penalty of \$65,000 within 30 days after the date of this order. The People and Sterigenics 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. Sterigenics must pay a civil penalty of \$65,000 no later than January 3, 2023, which is the 30th day after the date of this order. Sterigenics 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. Sterigenics 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

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

Kathryn A. Pamerter
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

Lisa A. Smith
Chief, Civil Bureau
DuPage County State's Attorney's Office
503 N. County Farm Road
Wheaton, Illinois 60187

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. Sterigenics must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

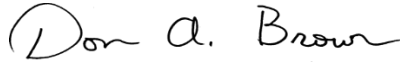
IT IS SO ORDERED.

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.

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Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Sterigenics U.S., LLC c/o Byron F. Taylor SIDLEY AUSTIN LLP One South Dearborn Chicago, IL 60603 bftaylor@sidley.com]	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Kathryn A. Pamenter Senior Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 69 W. Washington Street, Suite 1800 Chicago, Illinois 60602 Kathryn.Pamenter@ilag.gov	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 1, 2022, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board