ILLINOIS POLLUTION CONTROL BOARD December 1, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.) PCB 23-48
STERIGENICS U.S., LLC, a Delaware limited liability company,) (Enforcement – Land, Water) d)
Respondent.	ý)

OPINION AND ORDER OF THE BOARD (by J. Van Wie):

On October 12, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Sterigenics U.S., LLC (Sterigenics). The complaint concerns Sterigenics' commercial sterilization facility located at 7775 South Quincy Street, in Willowbrook, DuPage County (Facility). The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Sterigenics violated the following Sections of the Act:

Count I: Causing, threatening, or allowing water pollution in violation of

Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

Count II: Creating a water pollution hazard in violation of Section 12(d) of

the Act, 415 ILCS 5/12(d) (2020).

Count III: Causing or allowing open dumping of waste in violation of Section

21(a) of the Act, 415 ILCS 5/21(a) (2020).

Count IV: Disposing of waste at a facility that was not permitted for waste

disposal by the Illinois Environmental Protection Agency in violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2020).

The People allege Sterigenics committed these violations by causing, threatening, or allowing the discharge of a mixture of water, ethylene glycol, and sulfuric acid (Scrubber Solution) into the environment so as to cause or tend to cause water pollution. Specifically, the People allege Sterigenics committed the violations by discharging Scrubber Solution into the

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. Pamenter 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.

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

Don a. Brown