

ILLINOIS POLLUTION CONTROL BOARD
June 17, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 10-10
)	(Enforcement - Water)
THERMOGAS COMPANY, INC., n/k/a)	
WILLIAMS FERTILIZER, INC., formerly)	
d/b/a MCLEANSBORO THERMOGAS, a)	
foreign corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On July 30, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Thermogas Company, Inc., doing business as McLeansboro Thermogas, a foreign corporation (Thermogas). The complaint concerns a liquid agricultural-chemical facility located approximately two miles south of McLeansboro, Hamilton County. The parties now seek to settle without a hearing. Consistent with the stipulation and proposal for settlement filed on June 11, 2010, the caption of this case has been amended to reflect that Thermogas is now known as “Williams Fertilizer, Inc.” (Williams). For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People’s complaint alleged that by failing to control the agrichemicals handled at the facility, Thermogas caused or threatened water pollution in violation of Sections 12(a) and (d) of the Act (415 ILCS 5/12(a), (d) (2008)) and caused or allowed groundwater quality exceedences in violation of Section 12(a) of the Act (415 ILCS 5/12(a) (2008)) and Section 620.420 of the Board’s regulations (35 Ill. Adm. Code 620.420).

On June 11, 2010, the People and Williams 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Williams denies the alleged violations but agrees to pay a civil penalty of \$15,000. The stipulation further provides that the facility is the property of Ferrellgas, L.P. (Ferrellgas), a signatory to the stipulation, and that Ferrellgas must “obtain a deed restriction on the former facility property prohibiting

withdrawal of the groundwater for potable use within the area where concentrations of agrichemicals exceed the Class I Groundwater Standards.” Stipulation at 8.

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) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 17, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board