

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF	)	
ILLINOIS,	)	
	)	
Complainant,	)	
v.	)	PCB No. 2019-004
	)	(Enforcement – Water)
PEORIA BARGE TERMINAL, INC., a	)	
Delaware corporation; and MORTON	)	
SALT, INC., a Delaware corporation,	)	
	)	
Respondents.	)	

**RESPONDENT MORTON SALT, INC.'S  
ANSWER TO COMPLAINANT'S COMPLAINT**

Respondent, Morton Salt, Inc., by and through its attorneys, Swanson, Martin & Bell, LLP, answers Complainant's Complaint as follows:

**Count I  
Surface Water Pollution From Road Salt  
Peoria Barge Terminal & Morton Salt**

1. This Count is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2016), against Respondents PEORIA BARGE TERMINAL, INC. and MORTON SALT, INC.

**ANSWER:** The allegations in paragraph 1 call for a legal conclusion for which no answer is required. To the extent an answer is required, the allegations in paragraph 1 are denied.

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2016), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

**ANSWER:** The allegations in paragraph 2 are legal conclusions for which no answer is required. Respondent admits that statutory provisions are cited correctly but denies any factual or legal inference about this respondent or Morton's activities.

3. The Illinois Pollution Control Board ("Board") is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2016), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

**ANSWER: The allegations in paragraph 3 are legal conclusions for which no answer is required. Respondent admits that statutory provisions are cited correctly but denies any factual or legal inference about this respondent or Morton's activities.**

4. This Count is brought after providing Respondents, Peoria Barge Terminal, Inc. and Morton Salt, Inc., with notice and the opportunity for a meeting with the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2016).

**ANSWER: Respondent has insufficient information to form a belief as to Peoria Barge Terminal. Respondent admits to attending a meeting with the State. Beyond this, the allegations in paragraph 4 are legal conclusions for which no answer is required.**

5. Peoria Barge Terminal, Inc. ("PBT") is and was, at all times relevant to this Complaint, a Delaware corporation in good standing and authorized to do business in the State of Illinois.

**ANSWER: This respondent does not answer allegations directed to others. To the extent that an answer is required, respondent states it has insufficient information to admit or deny the allegations of this paragraph but denies any factual or legal inference about this respondent or Morton's activities.**

6. PBT owns and operates a multi-modal freight transfer and storage terminal that receives, handles, and stockpiles several bulk commodities, including but not limited to coal and road deicing salt. At times relevant to the Complaint, PBT removed the coal and road salt from barges and placed the material in large, outdoor stockpiles at its facility located on the west bank of the Illinois River, between Darst and Sanger Streets, at 1925 Darst Street in Peoria, Illinois ("the site"). The legal description of the site is the SW 1/4, Section 17, T8N, R8E (Peoria Township), in Peoria County.

**ANSWER: This respondent does not answer allegations directed at others. To the extent that an answer is required, respondent states it has insufficient information to admit or deny the allegations of this paragraph but denies any factual or legal inference about this respondent or Morton's activities.**

7. Morton Salt, Inc. ("Morton") is and was, at all times relevant to this Complaint, a Delaware corporation in good standing and authorized to do business in the State of Illinois.

**ANSWER: Respondent admits the allegations in paragraph 7.**

8. Morton is one of the largest salt producers in North America with consumer products including table and specialty salts, water softening products and ice melters. Morton supplies salt to a wide range of industries, such as food and pharmaceuticals, for a wide range of uses, including ice control.

**ANSWER: Respondent admits the allegations in paragraph 8.**

9. Pursuant to its contract with PBT, Morton owns the road deicing salt stored at PBT's storage site and retains ownership until the salt is sold to third parties and moved off-site for delivery. Morton retains responsibility for providing coverage of its salt stored at the site.

**ANSWER: Respondent admits that it previously owned some road deicing salt stored at PBT. The remaining allegations are legal conclusions to be proved at hearing.**

10. Chloride is the major component of salt. High chloride levels can slow plant growth, impair reproduction and reduce the diversity of organisms in affected waters.

**ANSWER: Respondent admits that salt contains chloride. Respondent denies the remaining allegations in paragraph 10 as related to Morton or Morton activities.**

11. Morton road deicing salt contains ferric ferrocyanide, an iron cyanide compound commonly referred to as "Prussian blue," which serves as an anti-caking additive to prevent salt crystals from clumping together and inhibiting roadway application.

**ANSWER: Respondent admits the allegations in paragraph 11.**

12. When exposed to water and sunlight, ferric ferrocyanide photodecomposes into its constituent parts of iron and the toxic anion of cyanide known as "free cyanide." Free cyanide can be extremely dangerous to aquatic organisms when the concentrated runoff from road salt piles enters waterways.

**ANSWER: Respondent admits that ferric ferrocyanide may, in certain circumstances, photodecompose. Respondent denies the remaining allegations of paragraph 12.**

13. The United States EPA has determined that ferric ferrocyanide is one of the "cyanides" listed as toxic pollutants under Section 307(a) of the Clean Water Act and codified at 40 C.F.R. §§ 401.15, 302.4, and Table 302.4.

**ANSWER: The allegations in paragraph 13 are legal conclusions for which no answer is required. Respondent admits that statutory provisions are cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

14. At the time of Illinois EPA inspections conducted in 2011 and 2012, the site consisted of approximately 100 acres along the west bank of the Illinois River, with the Morton salt stockpile located within 500 feet from the Illinois River. Storm water from the salt stockpile flowed through an unlined drainage channel into an unlined collection pond. The runoff overflow from the collection pond then discharged towards the Illinois River.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

15. The General Assembly has found "pollution of waters of this State constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish, and aquatic life, impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water, depresses property values, and offends the senses." 415 ILCS 5/11(a) (2016).

**ANSWER: The allegations in paragraph 15 are legal conclusions for which no answer is required. Respondent admits that portions of 415 ILCS 5/11(a) have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

16. Section 12 of the Act, 415 ILCS 5/12 (2016), provides, in pertinent part, as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

**ANSWER: Respondent admits that portions of 415 ILCS 5/12 have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

17. Section 3.545 of the Act, 415 ILCS 5/3.545 (2016), defines "water pollution" as follows:

[S]uch alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

**ANSWER: Respondent admits that portions of 415 ILCS 5/3.545 have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

18. In order to protect surface waters of the State, Section 302.208 of the Board's Water Pollution Regulations sets Numeric Water Quality Standards for chloride, dissolved iron and free cyanide. 35 Ill. Adm. Code 302.208.

**ANSWER: The allegations in paragraph 18 call for a legal conclusion for which no answer is required. To the extent an answer is required, the allegations in paragraph 18 are denied.**

19. The Numeric Water Quality Standard for chloride is 500 milligrams per liter ("mg/L"). 35 Ill. Adm. Code 302.208(g).

**ANSWER: Respondent admits that portions of 35 Ill. Adm. Code 302.208(g) have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

20. The Numeric Water Quality Standard for dissolved iron is 1 mg/L. 35 Ill. Adm. Code 302.208(g).

**ANSWER: Respondent admits that portions of 35 Ill. Adm. Code 302.208(g) have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

21. The Numeric Water Quality Standard for free cyanide is 22 micrograms per liter ("µg/L"). 35 Ill. Adm. Code 302.208(e).

**ANSWER: Respondent admits that portions of 35 Ill. Adm. Code 302.208(e) have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

22. On September 19, 2011, the Illinois EPA inspected the site. On that date, approximately 35,000 tons of Morton salt was being stored in one large, outdoor stockpile on a largely cracked and broken asphalt pad. The stockpile was covered with a black tarp; however, the tarp was ripped on the north face near the northwest corner and was not sealed to the pad with ballast around the perimeter to prevent washout of Morton salt from the toe of the stockpile.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

23. On September 19, 2011, the drainage pattern left by storm water coming into contact with the stockpile indicated that surface runoff from the pile discharged into the unlined

drainage channel along the south side of the pile. The discharge flowed through the channel in a southeasterly direction and discharged into a nearby unlined collection pond.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

24. On September 26, 2011, the Illinois EPA inspected the site. On that date, the same rip in the tarp was present and conditions were largely unchanged from the September 19, 2011 inspection. A distinct drainage path of white salt material was leading away from the Morton salt stockpile from where the tarp was ripped and salt was exposed.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

25. On December 15, 2011, the Illinois EPA inspected the site. On that date, the same rip in the tarp was present and conditions were largely unchanged from the September 19, 2011 inspection. Salt runoff from the west side of the Morton salt stockpile had resulted in salt solids forming in the unlined drainage channel.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

26. On March 9, 2012, the Illinois EPA inspected the site. On that date, the tarp had been removed from approximately half of the stockpile in order to add another barge of Morton salt to the existing pile. The perimeter of the tarp that remained was not sealed at the base of the stockpile to prevent washout from the toe of the stockpile.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

27. On March 9, 2012, the weather was dry; however, leachate was still being released from the Morton salt stockpile at a low trickle flow. The leachate was draining along a significant crack in the asphalt pad at the south of the pile and entering the unlined drainage channel that leads to the collection pond. The released leachate was forming salt solids in the channel.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

28. On March 9, 2012, the Illinois EPA collected one surface water sample of the runoff draining to the southeast of the Morton salt stockpile. The sample had a light green coloration. Analytical results indicated contaminant concentrations as follows:

<b>Contaminant</b>	<b>Southeast stockpile runoff</b>
Chloride (mg/l)	181,000
Total Iron (mg/l)	324
Total Cyanide (µg/l)	170,000

**ANSWER:** Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.

29. On March 28, 2012, the Illinois EPA inspected the site. On that date, the tarp was still removed from more than half of the Morton salt stockpile. The perimeter of the tarp that remained was not sealed at the base of the stockpile to prevent washout from the toe of the stockpile.

**ANSWER:** Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.

30. On March 28, 2012, the weather was dry; however, leachate was still being released from the Morton salt stockpile. The leachate was draining to the southwest of the pile and entering the unlined drainage channel that diverts runoff farther south to the unlined collection pond.

**ANSWER:** Respondent has insufficient information to admit or deny the allegations of this paragraph. To the extent an answer is required, Morton denies these allegations.

31. On April 11, 2012, the Illinois EPA inspected the site. On that date, some of the west side of the Morton salt stockpile was covered with a tarp, but the majority remained uncovered. The perimeter of the tarp that remained was not sealed at the base of the stockpile to prevent washout from the toe of the stockpile.

**ANSWER:** Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.

32. On October 18, 2012, the Illinois EPA inspected the site. On that date, site conditions were wet as a result of at least one inch of rainfall the prior night. The stockpile contained approximately 48,000 tons of Morton road salt. A black synthetic tarp covered the Morton salt stockpile, and asphalt millings were placed along a portion of the perimeter at the base of the pile as ballast.

**ANSWER:** Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.

33. On October 18, 2012, the Morton salt stockpile was submerged in approximately eight inches of storm water that had accumulated at its base. Evidence of salt washing out from the stockpile was present.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

34. On October 18, 2012, an eroded overflow channel was present on the southeast side of the collection pond due to discharges of storm water from the pond.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

35. On October 18, 2012, Illinois EPA collected surface water samples from the south side of the Morton Salt stockpile and the collection pond. Analytical results indicated contaminant concentrations as follows:

<b>Contaminant</b>	<b>South side of Stockpile</b>	<b>Collection Pond</b>
Chloride (mg/1) (IEPA lab)	18800	445
Total Iron (mg/1) (IEPA lab)	0.272	4.49
Total Cyanide (i_tg/1) (IEPA lab)	210	-
Total Cyanide (µg/1) (USEPA lab)	287	6
Free Cyanide (µg/1) (USEPA lab)	123	-

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph or what Illinois EPA found. To the extent an answer is required, Morton denies these allegations.**

36. The collection pond and Illinois River are "waters" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2016), as follows:

"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

**ANSWER:** Respondent admits that portions of 415 ILCS 5/3.550 have been cited correctly, but deny any factual or legal inference about this respondent or this respondent's activities.

37. The Morton salt stockpiled at the site is a "contaminant" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), as follows:

"Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

**ANSWER:** Respondent admits that portions of 415 ILCS 5/3.165 have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.

38. Respondents, PBT and Morton, caused, threatened, or allowed the discharge of contaminants – salt and salt-laden water – from the storage site into waters of the State causing, or tending to cause, water pollution.

**ANSWER:** To the extent that the allegations in paragraph 38 are directed at this respondent, Morton denies those allegations.

39. By causing, threatening, or allowing the discharge of salt and salt-laden water from the storage site, causing or tending to cause water pollution, Respondents, PBT and Morton Salt, have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016).

**ANSWER:** To the extent that the allegations in paragraph 39 are directed at this respondent, Morton denies those allegations.

**Count II**  
**Surface Water Pollution Hazard**  
**Peoria Barge Terminal & Morton Salt**

1-37. Complainant realleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count II.

**ANSWER:** Respondent adopts its answers to paragraphs 1 through 37 of Count I as its answers to paragraphs 1 through 37 of Count II.

38. Section 12 of the Act, 415 ILCS 5/12 (2016), provides, in pertinent part, as follows:

No person shall:

\* \* \*

- (d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

**ANSWER:** Respondent admits that portions of 415 ILCS 5/12 have been cited correctly, but denies any factual or legal inference about this respondent or this respondent's activities.

39. Respondents, PBT and Morton, deposited contaminants upon the land in such a manner so as to create a water pollution hazard.

**ANSWER:** The allegations in paragraph 39 are legal conclusions for which no answer is required. To the extent that the allegations in paragraph 39 are directed at this respondent, Morton denies those allegations.

40. By depositing contaminants upon the land in such a manner so as to create a water pollution hazard Respondents, PBT and Morton, have violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2016).

**ANSWER:** The allegations in paragraph 40 are legal conclusions for which no answer is required. To the extent the allegations in paragraph 40 are directed at this respondent, Morton denies those allegations.

**Count III**  
**Offensive Discharges From Road Salt**  
**Peoria Barge Terminal & Morton Salt**

1-37. Complainant realleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count III.

**ANSWER:** Respondent adopts its answers to paragraphs 1 through 37 of Count I as its answers to paragraphs 1 through 37 of Count III.

38. Section 304.106 of the Board's Water Pollution Regulations, 35 III. Adm. Code 304.106, prohibits offensive discharges, as follows:

[N]o effluent shall contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

**ANSWER:** Respondent admits that portions of 35 Ill. Adm. Code 304.106 have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.

39. Respondents, PBT and Morton, discharged green-colored storm water containing settleable solids, such as salt, causing offensive discharges.

**ANSWER:** To the extent that the allegations in paragraph 39 are directed at this respondent, Morton denies those allegations.

40. By discharging green-colored storm water containing settleable solids, such as salt, causing offensive discharges, Respondents, PBT and Morton, have violated Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016).

**ANSWER:** The allegations in paragraph 40 are legal conclusions for which no answer is required. To the extent that the allegations in paragraph 40 are directed at this respondent, Morton denies those allegations.

**Count IV**  
**Surface Water Pollution From Coal**  
**Peoria Barge Terminal**

1-22. The allegations set forth in Count IV of Complainant's Complaint are not directed to this defendant, and therefore, no answer is given. To the extent that an answer is required, this defendant denies the allegations.

**Count V**  
**Surface Water Pollution Hazard From Coal**  
**Peoria Barge Terminal**

1-23. The allegations set forth in Count V of Complainant's Complaint are not directed to this defendant, and therefore, no answer is given. To the extent that an answer is required, this defendant denies the allegations.

**Count VI**  
**Offensive Conditions From Coal**  
**Peoria Barge Terminal**

1-23. The allegations set forth in Count VI of Complainant's Complaint are not directed to this defendant, and therefore, no answer is given. To the extent that an answer is required, this defendant denies the allegations.

**Count VII**  
**Offensive Discharges From Coal**  
**Peoria Barge Terminal**

1-26. The allegations set forth in Count VII of Complainant's Complaint are not directed to this defendant, and therefore, no answer is given. To the extent that an answer is required, this defendant denies the allegations.

**Count VIII**  
**Threat to Resource Groundwater**  
**Peoria Barge Terminal & Morton Salt**

1-39. Complainant re-alleges and incorporates herein by reference paragraphs 1-15 and 22-37 of Count I and paragraphs 11 through 18 of Count IV as paragraphs 1 through 39 of this Count VIII.

**ANSWER:** Respondent adopts its answers to paragraphs 1 through 15 and 22-37 of Count I and its answers to paragraphs 11 through 18 of Count IV as its answers to paragraphs 1 through 39 of Count VIII.

40. The site overlies the Sankoty Aquifer, a large groundwater supply for the Peoria/Central Illinois area in beneficial use since the late 1800's continuing to the present.

**ANSWER:** Respondent has insufficient information to admit or deny the allegations of this paragraph. To the extent an answer is required, Morton denies these allegations.

41. The Sankoty Aquifer is principally a sand and gravel aquifer system capable of yielding 100,000 gallons of water per day per square foot ("gpd/ft<sup>2</sup>"), or  $1 \times 10^{-1.98}$  centimeters per second ("cm/sec"), over at least a fifty (50) square mile area.

**ANSWER:** Respondent has insufficient information to admit or deny the allegations of this paragraph. To the extent an answer is required, Morton denies these allegations.

42. Section 671.102 of the Illinois EPA's Public Water Supplies Rules, 35 III. Adm. Code 671.102, defines "unconfined aquifer" as "an aquifer other than a confined aquifer."

**ANSWER:** Respondent admits that portions of 35 III. Adm. Code 671.102 have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.

43. Section 671.102 of the Illinois EPA's Public Water Supplies Rules, 35 Ill. Adm. Code 671.102, defines "confined aquifer" as "an aquifer bounded above and below by impermeable beds or by shale, clay, or siltstone."

**ANSWER: Respondent admits that portions of 35 Ill. Adm. Code 671.102 have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

44. The principal sand and gravel aquifer underlying the site is an unconfined aquifer. The material overlying an unconfined aquifer has a very high potential for aquifer recharge, and therefore has a high potential for groundwater contamination.

**ANSWER: Respondent has insufficient information to admit or deny the allegations of this paragraph. To the extent an answer is required, Morton denies these allegations.**

45. The unconfined principal sand and gravel aquifer underlying the site contains "resource groundwater," as that term is defined in Section 3.430 of the Act, 415 ILCS 5/3.430 (2016), as follows:

"Resource groundwater" means groundwater that is presently being or in the future capable of being put to beneficial use by reason of being of suitable quality.

**ANSWER: Respondent admits that portions of 415 ILCS 5/3.430 have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

46. Section 620.301(a) of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 620.301(a), provides as follows:

- (a) No person shall cause, threaten or allow the release of any contaminant to a resource groundwater such that:
  - (1) Treatment or additional treatment is necessary to...assure potential use of such groundwater....

**ANSWER: Respondent admits that portions of 35 Ill. Adm. Code 620.301(a) have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

47. As an unconfined unconsolidated principal sand and gravel aquifer that is more than five (5) feet in thickness and located more than ten (10) feet below the surface, the resource groundwater beneath the site is "Class I: Potable Resource Groundwater" pursuant to Section 620.210(a) of the Board's Water Supplies Regulations, 35 Ill. Adm. Code 620.210(a), as follows:

a) Groundwater located 10 feet or more below the land surface and within:

\* \* \* \*

2) Unconsolidated sand, gravel or sand and gravel which is 5 feet or more in thickness and that contains 12 percent or less of fines (i.e. fines which pass through a No. 200 sieve tested according to ASTM Standard Practice D2488-84, incorporated by reference at Section 620.125); or

\* \* \* \*

4) Any geologic material which is capable of a:

\* \* \* \*

B) Hydraulic conductivity of  $1 \times 10^{-4}$  cm/sec or greater....

**ANSWER: Respondent admits that portions of 35 Ill. Adm. Code 620.301(a) have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

48. The coal and Morton salt stockpiled at the site are "contaminants" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), as follows:

"Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

**ANSWER: Respondent admits that portions of 35 Ill. Adm. Code 620.301(a) have been cited correctly, but denies any factual or legal inference about this respondent or Morton's activities.**

49. Respondents, PBT and Morton Salt, caused, threatened, or allowed contaminated storm water to discharge onto the ground and into the unlined drainage channel and the unlined collection pond, which caused threatened, or allowed the contaminated storm water to leach through the soil and release contaminants into the groundwater supply.

**ANSWER: To the extent that the allegations in paragraph 49 are directed at this respondent, Morton denies those allegations.**

50. By causing, threatening, or allowing contaminated storm water to discharge onto the ground and into the unlined drainage channel, the unlined collection pond, and ultimately causing, threatening, or allowing the contaminated storm water to leach into the soil and release

contaminants into the groundwater supply, Respondents, PBT and Morton Salt, have violated Section 620.301(a) of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 620.301(a), and thereby violated Section 12(a) of the Act, 415 ILC 5/12(a) (2016).

**ANSWER: To the extent that the allegations in paragraph 50 are directed at this respondent, Morton denies those allegations.**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that Board enter an order against respondents PEORIA BARGE TERMINAL, INC., and MORTON SALT, INC., as follows:

- A. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
- B. Finding that Respondents violated Section 620.301.(a) of the Board's Public Water Supplies Regulations 35 Ill. Adm. Code 620.301(a) and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016);
- C. Ordering Respondents to cease and desist from any further violations of Section 620.301.(a) of the Board's Public Water Supplies Regulations 35 Ill. Adm. Code 620.301(a) and Section 12(a) of the Act, 415 ILCS 5/12(a) (2016);
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016) assessing against each Respondent a civil penalty of up to fifty thousand dollars (\$50,000) for each violation of the Act and its regulations and up to an additional ten thousand dollars (\$10,000) for each day that each violation continued;
- E. D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2016), awarding to Complainant its costs and reasonable attorney's fees; and,
- F. Granting such other relief as the Board may deem appropriate.

**WHEREFORE, MORTON SALT INC.**, a Delaware corporation, respectfully requests this Board deny all relief requested in Complainant's Complaint and grant any other relief this Honorable Board deems just.

MORTON SALT, INC.

By: 

One of its attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, state that a copy of Respondent Morton Salt, Inc.'s Answer to Complainant's Complaint was served electronically this 10<sup>th</sup> day of Sept., 2018 to:

Rachel R. Medina, Esq.  
Assistant Attorney General  
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A handwritten signature in cursive script, appearing to read "Elizabeth J. Hugg", written over a horizontal line.