

ILLINOIS POLLUTION CONTROL BOARD
September 17, 2020

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 20-98
) (Enforcement - Land)
AUX SABLE LIQUID PRODUCTS, INC., a)
Delaware corporation, AUX SABLE LIQUID)
PRODUCTS LP, a Delaware limited)
partnership,)
)
Respondents.)

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

On June 30, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Aux Sable Liquid Products, Inc., Aux Sable Liquid Products LP (collectively Aux Sable respondents), Clean Harbors Environmental Services, Inc. (Clean Harbors), and Waste Management of Illinois, Inc. (Waste Management) (collectively respondents). The complaint concerns the disposal of contaminated molecular sieve material from Aux Sable Liquid Products LP's natural gas liquids extraction and fractionation facility located at 6155 East State Route 6 in Morris, Grundy County, and at Waste Management's waste disposal facility located at 21233 West Laraway Road in Joliet, Will County. Clean Harbors transported the contaminated molecular sieve material to Waste Management's waste disposal facility. The People and the Aux Sable respondents now seek to settle without a hearing.¹ For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that the respondents violated the following authorities²:

Count I—Improper disposal of hazardous waste and failure to prepare a hazardous waste manifest by the Aux Sable respondents in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2018));

¹ In a separate order, also adopted on September 17, 2020, the Board accepted a proposed settlement, stipulation and motion for relief from hearing between the People, Clean Harbors and Waste Management.

² The remaining counts (Counts II and IV, V and IV) allege violations by Clean Harbors and Waste Management.

Count III—Failure to prepare a hazardous waste manifest by the Aux Sable respondents in violation of Section 722.120(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 722.120(a));

On August 28, 2020, the People and the Aux Sable respondents 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, the Aux Sable respondents do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$13,000.

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) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 17, 2020, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board