

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 21-23
	)	(Enforcement – Water)
SOLVENT SYSTEMS INTERNATIONAL,	)	
INC., an Illinois corporation ,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that on the 30th day of October 2020, I filed with the Clerk of the Illinois Pollution Control Board by electronic filing the following Motion to Request Relief from Hearing Requirement and Stipulation and Proposal for Settlement, copies of which are attached hereto and are hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL  
Attorney General of the State of Illinois

By: /s/ Arlene R. Haas  
ARLENE R. HAAS  
Assistant Attorney General  
Environmental Bureau North  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602  
(312) 814-3153  
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Secondary: [mcacaccio@atg.state.il.us](mailto:mcacaccio@atg.state.il.us)

**SERVICE LIST**

For the Respondent

William D. Seith, Attorney  
917 Cleveland Rd.  
Hinsdale, IL 60521  
wdseith@aol.com

Illinois Pollution for Control Board

Brad Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
Email: Brad.Halloran@illinois.gov

**CERTIFICATE OF SERVICE**

I, ARLENE R. HAAS, an Assistant Attorney General, certify that on the 30th day of October 2020, I caused to be served by electronic mail the foregoing Notice of Filing, Motion to Request Relief from Hearing Requirement, and Stipulation and Proposal for Settlement to the persons listed on the attached Service List.

*/s/ Arlene R. Haas* \_\_\_\_\_  
ARLENE R. HAAS  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602  
(312) 814-3153

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	)	(Enforcement – Water)
SOLVENT SYSTEMS INTERNATIONAL,	)	
INC., an Illinois corporation,	)	
	)	
Respondent.	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2)(2018), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2018). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleged violations of Sections 12(a), 12(d) and 12(f) of the Act, 415 ILCS 5/12(a), 5/12(d), and 5/12(f)(2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).
2. The Complainant was filed with the Board on September 24, 2020.
3. The parties have reached agreement on all outstanding issues in this matter.
5. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed along with this Motion.
6. All parties agree that a hearing on the Stipulation and Proposal for Settlement is

not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2018).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL  
Attorney General of the State of Illinois

BY: /s/ Arlene R. Haas  
Arlene R. Haas  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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Secondary: [mcacaccio@atg.state.il.us](mailto:mcacaccio@atg.state.il.us)

DATE: October 30, 2020

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
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Complainant,	)	
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v.	)	PCB No. 21-23
	)	(Enforcement - Water)
SOLVENT SYSTEMS INTERNATIONAL	)	
INC., an Illinois corporation,	)	
	)	
Respondent.	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and SOLVENT SYSTEMS INTERNATIONAL, INC., an Illinois corporation (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2018), and the Board’s regulations alleged in the Complaint, except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. On September 24, 2020, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), against the Respondent (the “Complaint”).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation registered with the Illinois Secretary of State.

4. Respondent owns and operates a bio-based cleaning products production facility located at 70 King Street, Elk Grove Village, Cook County, Illinois (the “Facility”).

5. Respondent’s Facility includes a mixing equipment area and a container and product storage area. Storage and unloading occurs in the Facility’s south parking lot, and the Facility has a hookup station, tanker truck, and semi-trailers located outside. There are several stormwater grates throughout the Facility.

6. Respondent has mixed chemicals with methyl ester process oils, also known as soy, canola, and vegetable process oils, to manufacture its bio-based cleaning products at the Facility.

**B. Allegations of Non-Compliance**

Complainant contends that the Respondent violated the following provisions of the Act and Board regulations:

Count I: Water Pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018).

Count II: Creating a Water Pollution Hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2018).

Count III: Failure to Obtain a General National Pollutant Discharge Elimination System ("NPDES") Stormwater Permit for Industrial Activities in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2018), and Section 309.102(a) of the Board Water Pollution Regulations, 35. Ill. Adm. Code 309.102(a).

**C. Non-Admission of Violations**

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

**D. Compliance Activities to Date**

1. In April 2019, or such specific dates better known to Respondent, Respondent's contractor conducted a cleanup of the discharged spent methyl ester process oils.

2. On August 14, 2019, Respondent submitted to Illinois EPA its Notice of Intent for coverage under the NPDES Stormwater Permit for Industrial Activities.

3. On August 29, 2019, Respondent submitted its Stormwater Pollution Prevention Plan as part of its application for coverage under the General NPDES Stormwater Permit for Industrial Activities.

4. On September 18, 2019, Illinois EPA issued Respondent coverage under NPDES Permit No. ILR007644, General Storm Water Permit for Industrial Activities ("NPDES General Storm Water Permit").

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such



action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

**III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Complainant alleges that the Respondent discharged spent methyl ester process oils from the Facility into the drainage ditch, stormwater sewer and groundwater at the Facility, as well as groundwater in the vicinity of the Facility, and Respondent failed to obtain a General NPDES Stormwater Permit for Industrial Activities, thereby threatening human health and the environment and hindering Illinois EPA's information gathering responsibilities.

2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Complainant contends that the Respondent's prevention of the discharge of spent methyl ester process oils, and the submittal of an application for coverage under the General NPDES Stormwater Permit for Industrial Activities, were technically practicable and economically reasonable. Respondent contends that extremely cold temperatures in January 2019 caused a boiler to rupture and discharge spent methyl ester process oils. Despite Respondent's efforts the following day to clean up the frozen discharged methyl ester, some remaining methyl ester ultimately flowed from a concrete pad once the temperatures warmed and were found in the drainage ditch in April 2019. Respondent also contends that it had a reasonable basis for believing that no General NPDES Stormwater Permit was required for its operations.
5. Respondent has subsequently complied with the Act and the Board regulations.

**IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Complainant alleges that the Respondent discharged spent methyl ester process oils on or before April 10, 2019, and the discharge continued until Respondent's contractor cleaned up the process oils over the next several days. Complainant also contends that the Respondent failed to be covered by a NPDES Stormwater Permit for Industrial Activities since at least April 16, 2019, until Illinois EPA granted the Respondent coverage under the General NPDES Stormwater Permit for Industrial Activities.

2. The Respondent was diligent in attempting to come into compliance with the Act and the Board regulations once Illinois EPA notified the Respondent of its noncompliance.

3. The Respondent gained de minimis economic benefit as a result of its alleged discharge of spent methyl ester process oils and failure to apply for coverage under the General NPDES Stormwater Permit for Industrial Activities.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of \$9,874 will serve to deter further violations and aid in future voluntary compliance with the Act and the Board regulations.

5. To Complainant's knowledge, the Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

The Respondent shall pay a civil penalty in the sum of nine thousand eight hundred and seventy-four dollars (\$9,874) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund (“EPTF”). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Arlene R. Haas  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General’s Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. Respondent shall comply with the terms and conditions of the NPDES General Storm Water Permit that Illinois EPA granted Respondent coverage under on September 18, 2019.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent’s Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney

General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board regulations.

4. The Respondent shall cease and desist from future violations of the Act and Board regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the nine thousand eight hundred and seventy-four dollars (\$9,874) penalty, its commitment to cease and desist as contained in Section V.D.4 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act, the Board regulations, and General NPDES Stormwater Permit for Industrial Activities conditions that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in the Complainant's Complaint filed on September 24, 2020. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

**F. Opportunity for Public Comment**

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. The Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified the Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the Stipulation may not be used as evidence in any litigation between those entities.

**G. Enforcement of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**H. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

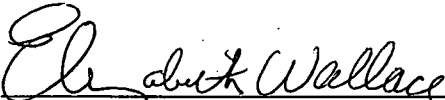
WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

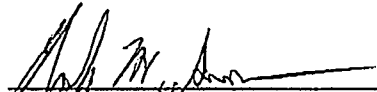
PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY:   
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
CHARLES W. GUNNARSON  
Chief Legal Counsel

DATE: 10/28/20

DATE: 10/28/2020

SOLVENT SYSTEMS  
INTERNATIONAL INC.

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_



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PEOPLE OF THE STATE OF ILLINOIS  
  
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Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
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BY: \_\_\_\_\_  
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY: \_\_\_\_\_  
CHARLES W. GUNNARSON  
Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

SOLVENT SYSTEMS  
INTERNATIONAL INC.

BY: *Steph Bunde*  
ITS: PRESIDENT

DATE: 10/25/2020