

ILLINOIS POLLUTION CONTROL BOARD
November 5, 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 accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that the Aux Sable 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. Those parties have therefore been removed from the caption of this matter.

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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *Joliet Herald-News* and the *Morris Herald-News* on October 6, 2020. 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) (2018); 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 the Aux Sable respondents' 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) (2018)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The Aux Sable respondents do not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2018)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, the Aux Sable respondents agrees to pay a civil penalty of \$13,000 within 30 days after the date of this order. The People and the Aux Sable respondents 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. The Aux Sable respondents must pay a civil penalty of \$13,000 no later than December 7, 2020, which is the first business day following the 30th day after the date of this order. The Aux Sable respondents 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. The Aux Sable respondents 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

The Aux Sable respondents must send a copy of the certified check, money order, and any transmittal letter to:

Office of the Illinois Attorney General
Attn: Elizabeth Dubats
Environmental Bureau
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602

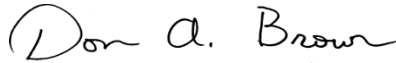
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. The Aux Sable respondents must cease and desist 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) (2018); *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
Aux Sable Liquid Products, Inc. Aux Sable Liquid Products LP Attn: Jennifer M. Martin Hepler Broom LLC 4340 Acer Grove Drive, Springfield, Illinois 62711 Jennifer.Martin@heplerbroom.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Office of the Illinois Attorney General Attn: Elizabeth Dubats Environmental Bureau 69 W. Washington Street, 18 th Floor Chicago, Illinois 60602 edubats@atg.state.il.us	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 5, 2020, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board