



Count V – Peoria Barge alone violated Section 12(d) of the Act (415 ILCS 5/12(d) (2016)) by depositing contaminants upon the land at the site in such a manner as to create a water pollution hazard;

Count VI – Peoria Barge alone violated Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 302.203 of the Board’s regulations (35 Ill. Adm. Code 302.203) by causing offensive conditions by discharging coal and coal-laden storm water from the coal storage pile into the unlined collection pond, creating coal bottom deposits and surface water with petroleum sheen;

Count VII – Peoria Barge alone violated Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 304.106 of the Board’s regulations (35 Ill. Adm. Code 304.106) by discharging storm water containing settleable solids, such as coal, causing offensive discharges;

Count VIII – Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 620.301(a) of the Board’s regulations (35 Ill. Adm. Code 620.301(a)) 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.

On November 20, 2020, the People, Peoria Barge and Morton Salt filed two separate stipulations and proposed settlements, accompanied by requests 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 stipulations, proposed settlements, and requests for relief. The newspaper notice was published in the *Peoria Star Journal* on December 4, 2020. The Board did not receive any requests for hearing. The Board grants the parties’ requests 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 Peoria Barge’s and Morton Salt’s 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. Peoria Barge admits to the violations and Morton Salt does not affirmatively admit to the allegations of violation. 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, Peoria Barge agrees to pay a civil penalty of \$20,000 within 30 days after the date of this order and Morton Salt agrees to pay a civil penalty of \$30,000 within 30 days after the date of this order. The People, Peoria Barge and Morton Salt have satisfied Section 103.302. The Board accepts the stipulations and proposed settlements.

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. Peoria Barge must pay a civil penalty of \$20,000 no later than February 8, 2021, which is the first business day following the 30th day after the date of this order. Morton Salt must pay a civil penalty of \$30,000 no later than February 8, 2021, which is the first business day following the 30<sup>th</sup> day after the date of this order. Peoria Barge and Morton Salt 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. 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

Respondents must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to:

Rachel R. Medina  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62701

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. Peoria Barge and Morton Salt must cease and desist from future violations of the Act and Board Regulations that were the subject matter 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.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 7, 2021, by a vote of 4-0.



Don A. Brown, Clerk  
 Illinois Pollution Control Board