



Compliance & Enforcement 201: Beyond the Basics

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August 27, 2025

Topics

- Illinois EPA's Enforcement Process
- Enforcement Trends and Statistics
- 43(a)'s, SEPS, and the ABC's



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The Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

Sec. 9. Acts prohibited.

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.
- (b) Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, (1) without a permit granted by the Agency unless otherwise exempt by this Act or Board regulations or (2) in violation of any conditions imposed by such permit. . . .

SOURCE: 415 ILCS 5/9(a) and (b)

The Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

Sec. 9.1

(d) No person shall:

- (1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto; or
- (2) construct, install, modify or operate any equipment, building, facility, source or installation which is subject to regulation under Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, except in compliance with the requirements of such Sections and federal regulations adopted pursuant thereto, and no such action shall be undertaken (A) without a permit granted by the Agency whenever a permit is required pursuant to (i) this Act or Board regulations or (ii) Section 111, 112, 165, or 173 of the Clean Air Act or federal regulations adopted pursuant thereto or (B) in violation of any conditions imposed by such permit. The issuance or any denial of such a PSD permit or any conditions imposed therein shall be reviewable by the Board in accordance with Section 40.3 of this Act. Other permits addressed in this subsection (d) shall be reviewable by the Board in accordance with Section 40 of this Act.

SOURCE: 415 ILCS 5/9.1(d)

The Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

Sec. 39.5 Clean Air Act Permit Program

6. Prohibitions.
 - a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph (m) of subsection 7 of this Section.
 - b. After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency. . . .

SOURCE: 415 ILCS 5/39.5(6)(a) and (b)

The Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

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The Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

Illinois EPA - Section 31 Process (415 ILCS 5/31):

- Violation Notice (“VN”) (415 ILCS 5/31(a)(1))
- Compliance Commitment Agreement (“CCA”) (415 ILCS 5/31(a)(7))
- Notice of Intent to Pursue Legal Action Letter (“NIPLA”) (415 ILCS 5/31(b))
- Referral to Attorney General’s Office

Other enforcement provisions include Section 43(a) (415 ILCS 5/43(a)) (authorizing immediate injunctions in “circumstances of substantial danger” to the environment/public health) and Section 34 (415 ILCS 5/34) (authorizing seal orders to address “emergency conditions” and “imminent and substantial endangerment”)

The Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

Attorney General's Office:

415 ILCS 5/31(d)(1): “**Any person** may file with the Board a complaint, meeting the requirements of subsection (c) of this Section, against any person allegedly violating this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.”

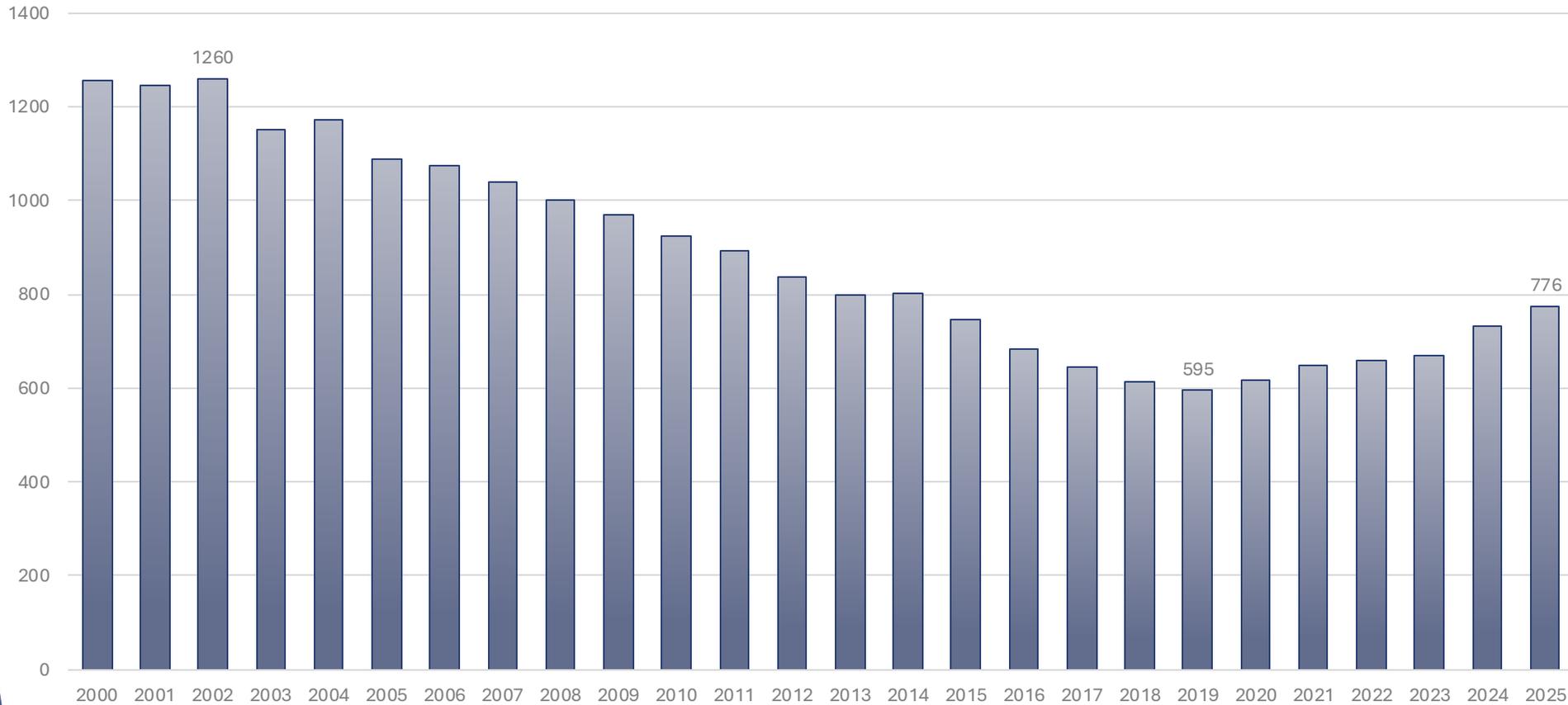
415 ILCS 5/42(e): “The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.”

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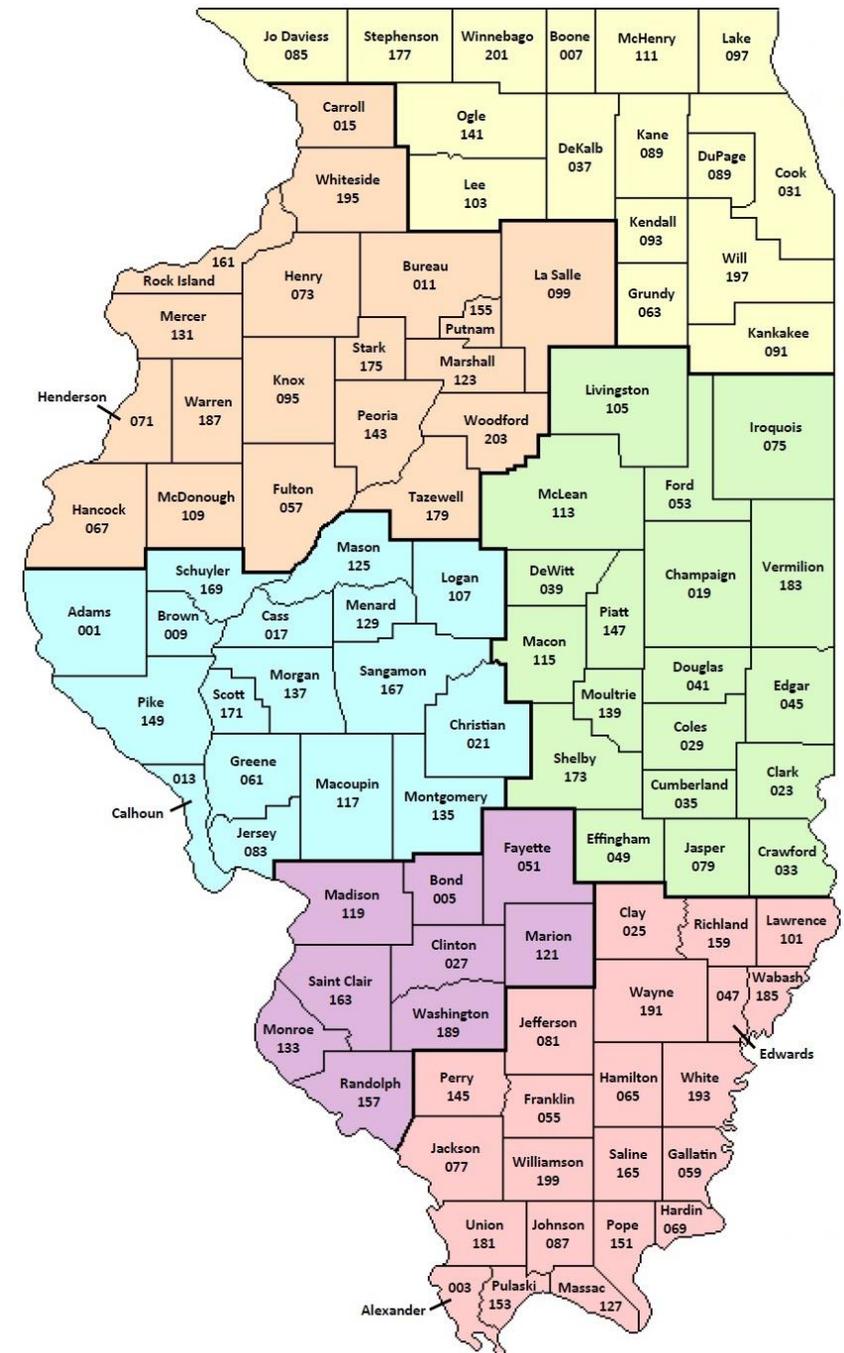


Illinois EPA Headcount



Illinois EPA Regional Offices

- Region 1 – Rockford
- Region 2 – Des Plaines
- Region 3 – Peoria
- Region 4 – Champaign
- Region 5 – Springfield
- Region 6 – Collinsville
- Region 7 – Marion



Illinois EPA Division of Legal Counsel Structure

Bureau of Water – Enforcement and Regulatory Units

Bureau of Land – Enforcement and Regulatory Units

Bureau of Air – Enforcement and Regulatory Units

Criminal

As of August 2025 – 36 Illinois EPA attorneys



Violation Notices Issued

	July 31, 2025	3-Year Average	YTD v. 3-Year Avg.
BOA	67	231	29%
Total	427	904	47%

NOTE: 3-year average includes a high number of BOA gas station vapor recovery system decommissioning matters in previous years.



Compliance Commitment Agreements Issued

	July 31, 2025	3-Year Average	YTD v. 3-Year Avg.
BOA	53	97	55%
Total	202	393	51%

NITPLAs Issued

	July 31, 2025	3-Year Average	YTD v. 3-Year Avg.
BOA	24	83	29%
Total	91	205	44%



Referrals to Attorney General's Office

	July 31, 2025	3-Year Average	YTD v. 3-Year Avg.
BOA	34	70	63%
Total	91	153	67%



Complaints Filed By Illinois Attorney General's Office

	July 31, 2025	3-Year Average	YTD v. 3-Year Avg.
BOA	18	57	32%
Total	57	104	55%

NOTE: Complaints and enforcement orders often reflect multiple referrals concerning the same responsible party.



Enforcement Orders Obtained by Illinois Attorney General's Office

	July 31, 2025	3-Year Average	YTD v. 3-Year Avg.
BOA	15	63	24%
Total	38	123	31%



The Theatre Asbestos Case



The Railcar Flaring Case



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Section 43(a) Referrals

“With the majority of 2025 Air enforcement cases being resolved under Section 31 rather than escalated to Section 43, does this reflect a deliberate policy shift toward more informal or administrative resolutions?”

- For 2025 year-to-date, Illinois EPA has made 5 Section 43(a) referrals to the Attorney General’s Office. This is comparable to past years.

Section 43(a) Referrals

Sec. 43. Acts prohibited.

- (a) **In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons where such danger is to the livelihood of such persons**, the State's Attorney or Attorney General, upon request of the Agency or on his own motion, may institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or to require such other action as may be necessary. The court may issue an ex parte order and shall schedule a hearing on the matter not later than 3 working days from the date of injunction.

SOURCE: 415 ILCS 5/43(a)

Section 43(a) Referrals

1. How serious is the danger to public health or the environment?
2. How adequately is the responsible party addressing it?



Enforcement Order Trends

“IEPA enforcement orders appear to have declined significantly over the past three years—from 109 in 2023 to just 25 so far in 2025—while the use and value of Supplemental Environmental Projects (SEPs) has increased. Can you speak to what’s driving these trends? Are they the result of internal policy shifts, resource limitations, or changes in how violations are prioritized or resolved?”

- As to the number of enforcement orders, this number reflects the activities of Illinois EPA and the Attorney General’s Office over the course of several years, and the number of orders to date this year does not reflect any policy or resource changes. As to SEPs, the Consent Order in *People v. 401 N. Wabash Venture, LLC*, 18-CH-10229 (Cook Cty. Cir. Ct.), which included a substantial SEP benefiting the Chicago River, dominates the overall statistics.

[Enforcement Orders - Illinois EPA](#)

Civil Penalties and Supplemental Environmental Projects

“With the recent amendment to Section 42(a) of the Environmental Protection Act, effective June 16, 2025, increasing the statutory maximum penalties to \$100,000 per violation and up to \$25,000 per day of continuing violation, how does IEPA anticipate this change will impact its enforcement strategy, particularly in terms of settlement negotiations, discretionary enforcement, and potential deterrent effect on regulated entities?”

“Given the variation in enforcement types, are there consistent criteria the Agency uses to determine civil penalty amounts or whether a Supplemental Environmental Project (SEP) will be accepted?”

- The amounts of civil penalties sought—and the acceptability of SEPs—reflect collaboration between Illinois EPA and the Attorney General’s Office. Illinois EPA sets consistent penalty targets in referrals that already had been increasing in recent years, to reflect inflation since the Act’s former maximum penalties had been set in 1990. Illinois EPA will be standing up an online SEP Bank to provide pre-approved SEPs that can be incorporated into settlements.

Civil Penalties and Supplemental Environmental Projects

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

* * *

(h) 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:

(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

SOURCE: 415 ILCS 5/42

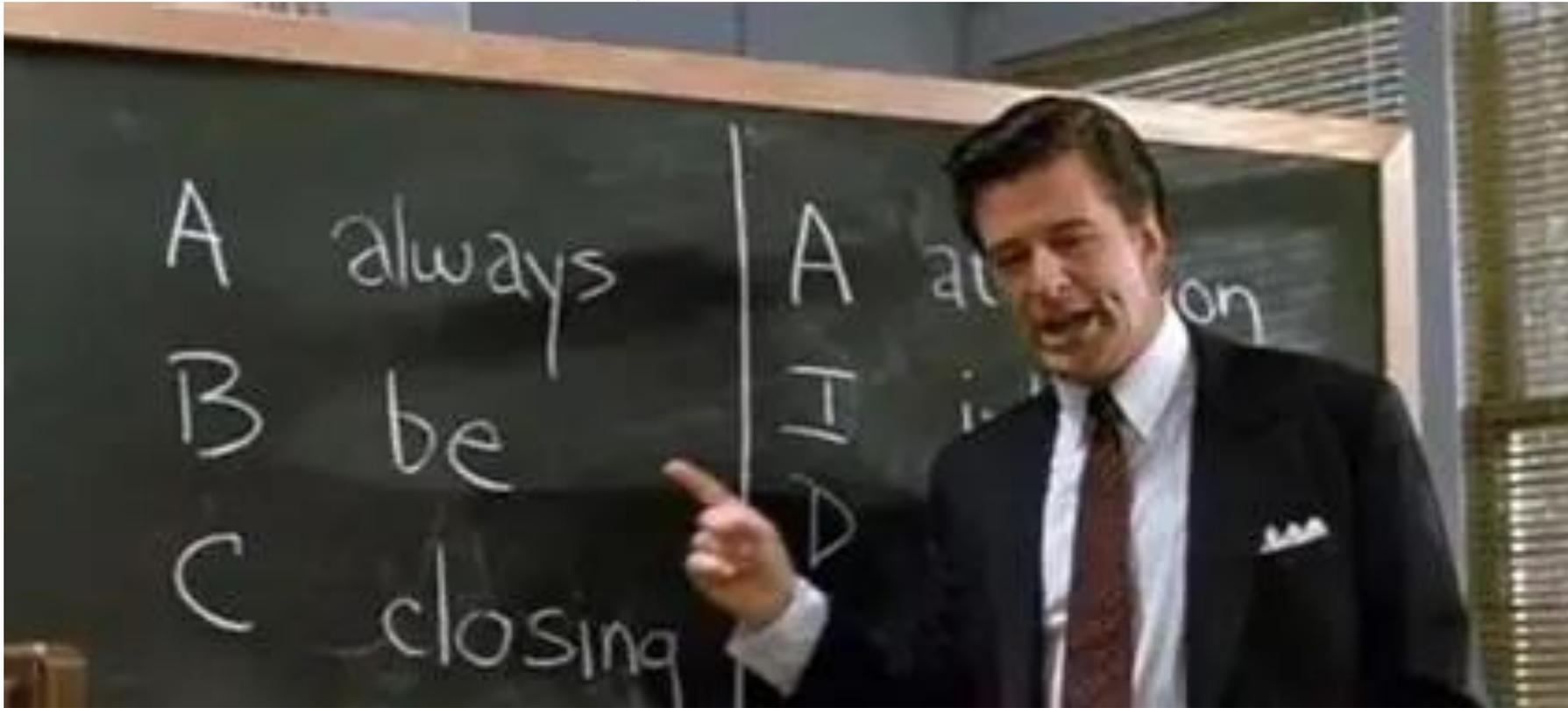
Common Permit Issues

“Many 2025 enforcement cases list permit and reporting violations, especially under the CAAPP program. Are there common permit-related compliance issues—like recordkeeping or emission calculations—that IEPA sees repeatedly and is prioritizing in enforcement?”

- Given the prevalence of permits in air pollution regulation, most of our enforcement actions involve some kind of permit violation. Common issues include: (1) failure to timely renew CAAPP permits or submit Annual Emissions Reports; (2) installation of new emission sources without obtaining a construction permit; (3) failure to comply with recordkeeping requirements; and (4) failure to comply with permitted emission limits.

The ABC's of Enforcement

1. Injunctive relief / cease-and-desist.
2. Civil penalty / SEP.
3. Enforcement order entered by court or the Board.



Thank you!

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