

Violation Notices and Enforcement



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April 16, 2026

Topics

- Illinois EPA's Enforcement Process
- Enforcement Trends and Statistics



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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.*

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.”

Topics

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- Enforcement Trends and Statistics



Violation Notices Issued

	December 31, 2025	3-Year Average	2025 v. 3-Year Avg.
BOA	174	231	75%
Total	866	904	96%

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



Compliance Commitment Agreements Issued

	December 31, 2025	3-Year Average	2025 v. 3-Year Avg.
BOA	101	97	104%
Total	396	393	101%



NITPLAs Issued

	December 31, 2025	3-Year Average	2025 v. 3-Year Avg.
BOA	48	83	58%
Total	158	205	77%

Referrals to Attorney General's Office

	December 31, 2025	3-Year Average	2025 v. 3-Year Avg.
BOA	57	70	81%
Total	172	153	125%



Implementation of EJ Enforcement Policy

- ▶ [MCC Properties LLC](#)



Thank you!

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Insight: Violation Notices

Melissa Brown



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Initial (45-Day) VN Response

- ▶ Discuss overall VN strategy early on
- ▶ Written response:
 - ▶ Benefits of requesting VN meeting
 - ▶ Robust response to all alleged violations, if possible
 - ▶ Any rebuttal information, explanation of alleged violations, narrow timeframes, quantify emissions

Initial (45-Day) VN Response

- ▶ Written response (continued):
 - ▶ Robust response to all Recommendations, if possible
 - ▶ Submitting documents with response
 - ▶ Explanations of documents, data, diagrams
 - ▶ Explanations in rebuttal of recommendations
 - ▶ Timeframes for completing remaining items
 - ▶ Propose terms of CCA

Violation Notice Meeting

- ▶ VN recipient's meeting
- ▶ PowerPoint may be helpful
- ▶ Introduction of company, if needed
- ▶ Highlights of initial VN response and any updates
- ▶ Walk through proposed CCA terms
- ▶ Leave adequate time for questions/clarifications

Follow-up (21-Day) VN Response

- ▶ Written response:
 - ▶ Address updates since initial VN response
 - ▶ Provide explanations in response to questions and discussion at VN meeting
 - ▶ Address remaining Recommendations or propose/adjust timeframes
 - ▶ Final proposed CCA terms

CCA, NONI, NIPLA, and Waivers

- ▶ Compliance Commitment Agreement (CCA)
- ▶ Notice of Non-Issuance of CCA (NONI)
 - ▶ If outstanding action items, provide updates
- ▶ Notice of Intent to Pursue Legal Action (NIPLA)
 - ▶ Take advantage of meeting and/or provide written update
- ▶ Section 31 waivers

Environmental Enforcement

- ▶ Christina Briggs
- ▶ Environmental Bureau, Deputy Chief – Springfield
- ▶ Illinois Attorney General's Office
- ▶ April 16, 2026



Attorney General's Environmental Enforcement Partners

▶ State Agencies

- ▶ Illinois Environmental Protection Agency, Illinois Department of Natural Resources, Illinois Department of Public Health, and Illinois Office of State Fire Marshal
- ▶ Normal course - initiated by referral from Agency

▶ Local Partners

- ▶ County State's Attorney's Offices
- ▶ Municipalities

▶ Federal Partners

- ▶ U.S. DOJ, U.S. EPA, U.S. FWS
 - ▶ Joint Federal and State enforcement

Attorney General's Environmental Enforcement Authorities

- ▶ Environmental Protection Act
 - ▶ 415 ILCS 5/42 – Civil Penalties and Injunctive Relief
 - ▶ 415 ILCS 5/43 – Substantial Danger to Environment or Public Health
 - ▶ 415 ILCS 5/44 – Criminal Acts and Penalties
- ▶ Pollution Abatement Enforcement Act
 - ▶ 15 ILCS 215/2 – Action to Prevent Pollution
- ▶ Common Law Authority
 - ▶ Torts
 - ▶ Public nuisance, trespass, negligence, etc.

Guiding Principles in AGO's Environmental Enforcement



Article XI of the Illinois Constitution

§1. “The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.”

§2. Each person has the right to a healthful environment. . . .”



Section 2 of the Environmental Protection Act

(b) “It is the purpose of this Act . . . to restore, protect and enhance the quality of the environment, and to assure that adverse effects upon the environment are fully considered and borne by those who cause them.”



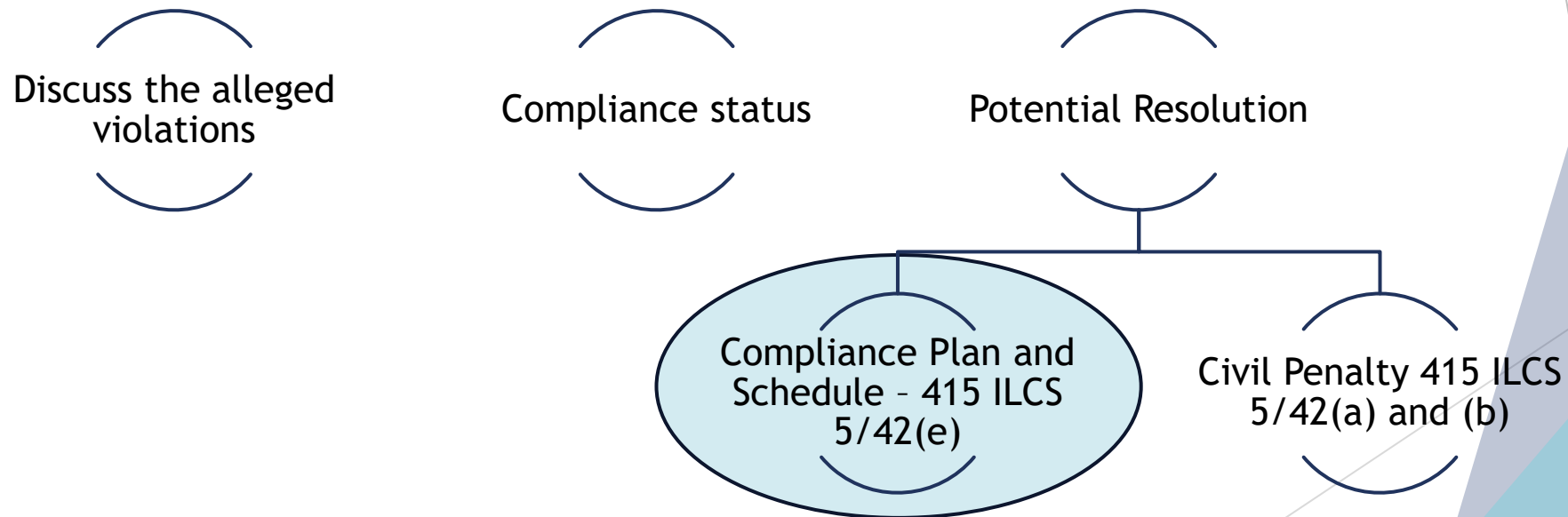
IL Supreme Court -

[People v. N L Industries, 152 Ill. 2d 82, 103 \(1992\)](#)

“Attorney General has an obligation to represent the interests of the People so as to ensure a healthful environment for all the citizens of the State.”

Attorney General's Enforcement Process

- ▶ Communicating with Regulated Entity
 - ▶ Send a letter asking to meet
 - ▶ Pre-filing meeting



Attorney General's Enforcement Process Litigation Path

1. We do file a complaint

- Establishes Liability for the Violations
- Orders Regulated Entity to Bring Facility into Compliance
- Orders Payment of Civil Penalties - 415 ILCS 5/42(h)
- Orders Payment of Costs and Attorney's Fees - 415 ILCS 5/42(f)
 - Costs: Includes costs of experts and consultants
 - Fees: In cases of willful, knowing, or repeated violation

2. Seek a Court Order

Attorney General's Enforcement Process Settlement Path

1. We do file a complaint

- Referred Violations
- Violations on AG's Motion

2. Negotiate a Settlement

- Public Settlement Document
- Standard terms and conditions
- Partial Relief → Interim Order
 - Compliance Steps
- Final Relief → Final Order
 - Compliance/Penalties/Costs
 - Approved SEP

Searchable Enforcement Orders available at:
<http://www.epa.state.il.us/cgi-bin/en/orders/orders.pl>

2025 Civil Penalties Increase

H.B. 2755 amended Section 42 of the Act to increase the maximum civil penalties beginning on June 16, 2025

Section 42(a) - Most violations

- Increased from \$50,000 per violation and \$10,000 per day of violation to \$100,000 per violation and \$25,000 per day of violation

Section 42(b)(1) - Violation of NPDES Permits

- Increased from \$10,000 per day of violation to \$25,000 per day of violation

Section 42(b)(3) - RCRA violations (415 ILCS 5/21(f), (g), (h) or (i))

- Increased from \$25,000 per day of violation to \$50,000 per day of violation

Section 42(b)(5) - CAAPP Permit violations (415 ILCS 5/39,5(6))

- Increased from \$10,000 per day of violation to \$25,000 per day of violation

Section 42(l) - Annual increase of the foregoing penalties

- On July 1, increased based on the increase in the consumer price index-u

2025 Referrals

- Illinois EPA Enforcement Referrals: 143

–Air: 51

–Water: 48

–Land: 44

- Illinois EPA Permit Appeals: 5

- IDNR: 6

2025 Statistics

- Complaints Filed (all agencies): 112
 - Illinois EPA Complaints Filed: 98
- Settlements Entered: 55
- Total Collections: \$ 3,514,073.19
- Representative Costs to Defendants: \$ 22,806,808.72

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Thank you!



Insight: Enforcement

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Referral to AGO

- ▶ May occur at any time
 - ▶ Monitor ongoing compliance closely
- ▶ Take advantage of pre-filing meeting
 - ▶ Intent to litigate or interest in negotiating settlement?
 - ▶ If interested in settlement:
 - ▶ Discuss status of compliance
 - ▶ If outstanding issues, plan for compliance
 - ▶ Penalty demand
 - ▶ Potential injunctive relief

Course of Litigation

- ▶ Complaint filed and served
- ▶ Motion attacking or Answer admitting or denying particular allegations, and setting forth defenses
- ▶ Discovery: written, oral, inspection, etc.
- ▶ Summary Judgment: agree on facts, decide by court or Board with no trial
- ▶ Settlement or Trial/Hearing
- ▶ Ruling
- ▶ Appeal

Response to Penalty Demand

- ▶ Section 33(c) and 42(h) factors
- ▶ Prior cases with similar alleged violations
- ▶ Supplemental Environmental Project (SEP)
- ▶ Injunctive relief

Identification of Issues

- ▶ Discovery of noncompliance
- ▶ Inspections
- ▶ Deviation reports
- ▶ Other reports submitted
- ▶ Audits

Preventing Issues

- ▶ Draft permit applications and negotiate permit terms carefully
- ▶ Know your regulatory obligations and compliance options
- ▶ Strategically engage in rulemakings
- ▶ Stay on top of monitoring and recordkeeping and what the information shows
- ▶ Thoughtfully prepare compliance and deviation reports

Regulatory Relief Mechanisms

- ▶ Provisional variance
- ▶ Variance
- ▶ Adjusted standard
- ▶ Site-specific rule

Minimizing Your Exposure

- ▶ Stay educated
 - ▶ Monitor IPCB dockets, Federal Register, press releases, etc.
 - ▶ Remain active in your associations
- ▶ Build relationships with your neighbors
 - ▶ Open houses
 - ▶ Get involved in the community
 - ▶ Local state and municipal officials
- ▶ Build relationships with your regulators
 - ▶ Inspectors and permit writers
 - ▶ Meetings with IEPA prior to submitting permit application
 - ▶ Site visit if big project/expansion planned

Questions

The background features a series of overlapping, semi-transparent geometric shapes in various shades of blue and teal. These shapes are primarily located on the right side of the frame, creating a modern, layered effect. The colors range from light, airy blues to deep, dark navy blues, with some teal accents. The overall composition is clean and professional, typical of a corporate or academic presentation.