

ILLINOIS POLLUTION CONTROL BOARD  
May 4, 2023

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 22-67  
) (Enforcement - Air)  
SWENSON SPREADER, LLC, an Ohio )  
limited liability company, )  
)  
Respondent. )

ORDER OF THE BOARD (by J. Van Wie):

On May 5, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Swenson Spreader, LLC (Swenson). The complaint concerns the facility located at 127 Walnut Street, Lindenwood, Ogle County (facility). The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103. In this case, the People allege the following against Swenson:

- Count I: Air Pollution, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2020), and Section 201.142 of the Board Air Pollution Regulations;
- Count II: Air Pollution Hazard, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2020), and Section 201.143 of the Board Air Pollution Regulations;
- Count III: Air Pollution Hazard, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2020), and Conditions 8(a)(ii), 8(d) 14(a)(iii), 14(a)(vi), and 16(a) of Federally Enforceable State Operating Permit (FESOP) No. 96030190;
- Count IV: Air Pollution, in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020), and Sections 63.11519(a)(1), 63.11519(a)(2), and 63.11519(b)(1) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

On April 21, 2023, the People and Swenson 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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). Under the proposed stipulation, Swenson does not affirmatively admit the alleged violations, and agrees to pay a civil penalty of \$65,000 and to cease and desist from future violations of the Act and Board regulations that were the subject of the complaint.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 4, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk  
Illinois Pollution Control Board