

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO.</b>
	)	<b>(Enforcement)</b>
<b>CNH INDUSTRIAL AMERICA LLC,</b>	)	
<b>A Delaware Limited Liability Corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that on September 2, 2014, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601 a COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT, and MOTION FOR RELIEF FROM HEARING REQUIREMENT copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: s/Amanda Kimmel  
AMANDA KIMMEL  
Assistant Attorney General  
Environmental Bureau

Amanda Kimmel #6303715  
500 South Second Street  
Springfield, Illinois 62706  
217-782-9031

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF</b>	)	
<b>ILLINOIS,</b>	)	
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<b>Complainant,</b>	)	
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<b>v.</b>	)	<b>PCB NO.</b>
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<b>CNH INDUSTRIAL AMERICA LLC,</b>	)	
<b>A Delaware Limited</b>	)	
<b>Liability Corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, CNH INDUSTRIAL AMERICA, LLC, as follows:

**COUNT I**  
**OPERATING WITHOUT A CLEAN AIR ACT PERMIT PROGRAM PERMIT**

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(2012).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4(2012), and charged, *inter alia*, with the duty of enforcing the Act.

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31(2012), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.

4. Respondent, CNH Industrial America, LLC, is a Delaware limited liability corporation registered and in good standing with the Illinois Secretary of State's Office. Respondent's registered agent is CT Corporation System, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604.

5. Respondent owns and operates a manufacturing plant located at 600 East Peoria Street, Goodfield, Woodford County, Illinois ("Facility" or "Source").

6. At all times relevant to this complaint, Respondent's primary business at the Facility was manufacturing agricultural equipment.

7. On November 10, 1997, Respondent submitted to the Illinois EPA an application for a Clean Air Act Permit Program ("CAAPP Permit") to operate its agricultural equipment manufacturing facility.

8. On May 12, 2003, the Illinois EPA issued CAAPP Permit No. 97110031 to the Respondent.

9. At all times relevant to this Complaint, the emissions units that are the source of significant emissions at the Facility are the spray coating operations, dip tank coating operations and a shot blast.

10. At all times relevant to this Complaint, the spray coating operations, dip tank coating operations and a shot blast utilized at the Facility are capable of emitting, and have emitted Volatile Organic Material ("VOM") and Particulate Matter (PM) which are specified air contaminants as that term is defined in Section 201.102 of the Board's Air Pollution Control Regulations, 35 Ill. Adm. Code 201.102.

11. At all times relevant to this Complaint, the Potential to Emit (PTE) VOM at the Source was greater than 100 tons per year.

12. Respondent's operation of the Source is subject to the Act and the Board and Illinois EPA rules and regulations for air pollution, which are found in Title 35, Subtitle B, of the Illinois Administrative Code ("Air Pollution Regulations").

13. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012), provides:

Prohibitions.

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.

14. Section 3.315 of the Act, 415 ILCS 5/3.315(2012), provides the following definition:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

15. Respondent, a corporation, is a "person," as that term is defined in Section 3.315 of the Act, 415 5/3.315(2012).

16. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2012), provides the following definitions:

"CAAPP" means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

"CAAPP Permit" . . . means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

“Potential to emit” means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term “capacity factor” as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"Source" means any stationary source (or any group of stationary sources) that is located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987, or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination as to whether any group of stationary sources is located on contiguous or adjacent properties, and/or is under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

17. At all times relevant to this Complaint, Respondent has been an “owner or operator” of a “CAAPP source”, as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2012).

18. Because the Source is a “CAAPP source” and a “stationary source,” Respondent is required to obtain a CAAPP permit prior to operating the Source, pursuant to Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012), or to seek exemption from CAAPP permit

requirements through the issuance of a Federally Enforceable State Operating Permit ("FESOP") pursuant to 39.5(3)(c) of the Act, 415 ILCS 5/39.5(3)(c)(2012).

19. Respondent's CAAPP Permit No. 97110031 included condition 9.14, which states in part:

The right to operate terminates on the expiration date unless the Permittee has submitted a timely and complete renewal application. For a renewal to be timely it must be submitted no later than 9 and no sooner than 12 months prior to expiration. The equipment may continue to operate during the renewal period until final action is taken by the Illinois EPA, in accordance with the original permit conditions [Section 39.5(5)(l), (n), and (o) of the Act].

20. Respondent was required to submit its application for renewal for CAAPP Permit No. 97110031 no later than August 12, 2007.

21. On January 22, 2008, Respondent filed an untimely renewal application for CAAPP Permit No. 97110031. On January 28, 2008, the Illinois EPA issued a CAAPP Application Completeness Determination for the renewal application.

22. On May 12, 2008, Respondent's CAAPP Permit No. 97110031 expired.

23. On August 9, 2012, the Illinois EPA issued a violation notice ("VN"), VN-A-2012-00122, to Respondent alleging it operated the Source without timely applying for and obtaining a CAAPP permit.

24. On November 15, 2012, Respondent submitted a CAAPP permit application and requested the issuance of a FESOP. On December 13, 2012, the Illinois EPA issued Respondent a notice of incompleteness ("NOI").

25. A Notice of Intent to Pursue Legal Action was issued to Respondent on December 13, 2012.

26. On May 7, 2014, the Illinois EPA issued to the Respondent a lifetime operating permit No. 14020029

27. Since Respondent's application was filed on January 22, 2008, approximately six months after the prescribed time period for submitting a renewal application for a CAAPP permit or FESOP, the application was not timely.

28. Respondent operated the Source without a CAAPP permit for approximately five years after the prescribed May 12, 2008 expiration date for the CAAPP permit.

29. By failing to submit the renewal application for the CAAPP permit in a timely manner and operating the Source without the requisite CAAPP permit, Respondent has violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, CNH INDUSTRIAL AMERICA, LLC:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter;
- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**FAILURE TO TIMELY FILE ANNUAL EMISSIONS REPORT**

1-26. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 26 of Count I as paragraphs 1 through 26 of this Count II.

27. Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), provides:

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.

28. Section 201.302 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302, provides:

- (a) The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports when necessary to accomplish the purposes of the Act and this Chapter.

29. Section 254.137 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 254.137, provides:

- (a) All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

30. Section 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 254.132, provides:

- (a) Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

31. For the 2012 calendar year, Respondent was required to submit its annual

emissions report no later than May 1, 2013.

32. On June 18, 2013, the Illinois EPA issued VN A-2013-00053 to Respondent alleging it failed to submit an annual emissions report for calendar year 2012. On June 20, 2013, Respondent submitted a proposed CCA to the Illinois EPA. The CCA was rejected by the Illinois EPA by letter dated June 22, 2013. In a letter dated August 23, 2013, Respondent waived certain Section 31 notice requirements.

33. On June 20, 2013, Respondent submitted an annual emissions report for the 2012 calendar year.

34. Respondent did not timely submit its annual emissions report for the 2012 calendar year because it was not filed by the prescribed May 1st permit deadline.

35. By failing to submit the annual emissions report for the 2012 calendar year in a timely manner, Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a), and Sections 201.302 and 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302 and 254.132.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, CNH INDUSTRIAL AMERICA, LLC:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each

day during which each violation has continued thereafter;

- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN,  
Attorney General of the  
State of Illinois,

BY:   
MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

Of Counsel  
AMANDA KIMMEL  
ARDC# 6303715  
500 South Second Street  
Springfield, Illinois 62706  
217/557-9457  
Dated: September 2, 2014

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<b>Respondent.</b>	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), and CNH INDUSTRIAL AMERICA LLC ("Respondent") ("Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2012), and the Board's regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. A Complaint was filed simultaneously with this Stipulation on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her

own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2012).

3. At all times relevant to the Complaint, Respondent was and is a Delaware limited liability corporation that is authorized to transact business in the State of Illinois. At all times relevant to the Complaint, Respondent owns and operates a manufacturing plant located at 600 East Peoria Street, Goodfield, Woodford County, Illinois ("Facility" or "Source").

4. On May 12, 2003, the Illinois EPA issued Clean Air Act Permit Program ("CAAPP") permit No. 97110031 to the Respondent. The application for renewal for CAAPP permit No. 97110031 was due no later than August 12, 2007.

5. On January 22, 2008, Respondent untimely submitted to the Illinois EPA a CAAPP permit renewal application for CAAPP permit No. 97110031. On January 28, 2008, the Illinois EPA issued a CAAPP Application Completeness Determination for the renewal application.

6. On May 12, 2008, Respondent's CAAPP permit No. 97110031 expired.

7. Pursuant to Sections 201.302 and 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302 and 254.132, Respondent was required to submit its annual emissions report no later than May 1 of each year.

8. For the 2012 calendar year, Respondent was required to submit its annual emissions report no later than May 1, 2013, pursuant to Sections 201.302 and 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302 and 254.132.

9. On June 20, 2013, Respondent submitted an annual emissions report for the 2012

calendar year.

**B. Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act and Board's regulations:

- Count I: Failure to Obtain a Clean Air Act Permit Program Permit.  
Respondent failed to submit the renewal application for the CAAPP permit in a timely manner and operated the Source without the requisite CAAPP permit or application shield, in violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012).
- Count II: Failure to Timely File Annual Emissions Report.  
Respondent failed to submit the annual emissions report for the 2012 calendar year in a timely manner, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a), and Sections 201.203 and 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302 and 254.132.

**C. Non-Admission of Violations**

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

**D. Compliance Activities to Date**

1. On November 15, 2012, Respondent submitted a CAAPP permit application and requested the issuance of a Federal Enforceable State Operating Permit ("FESOP"). On December 13, 2012, the Illinois EPA issued a Notice of Incompleteness for the CAAPP permit application.
2. On June 20, 2013, Respondent submitted an annual emissions report for the 2012

calendar year.

3. In January 2013, Respondent submitted a lifetime operating permit application to IEPA.

4. On May 7, 2014, the Illinois EPA issued to the Respondent a lifetime operating permit No. 14020029 authorizing operation of the Facility as a minor source.

## II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board's regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

## III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c)(2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or

eliminating the emissions, discharges or deposits resulting from such pollution source; and

5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The failure to timely submit the CAAPP permit renewal application and the annual emissions report may have hindered the Illinois EPA's ability to ensure compliance with applicable federal and state environmental laws and regulations.
2. There is social and economic benefit to the facility resulting from the manufacturing operations performed by Respondent at the facility.
3. Respondent's operations are suitable to the area in which they are located.
4. Submitting an annual emissions report and compliance with the CAAPP permit terms is both technically practicable and economically reasonable.
5. Respondent has implemented measures to comply with CAAPP permit requirements after the permit expired.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h)(2012), provides as follows:

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:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
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; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Respondent failed to timely submit its application for renewal for CAAPP permit No. 97110031 which was due no later than August 12, 2007. On May 12, 2008, Respondent's CAAPP permit No. 97110031 expired.

Respondent did not timely submit its annual emissions report for the 2012 calendar which was due by May 1, 2013. The violation began May 1, 2013 and continued until June 20, 2013 when Respondent submitted an annual emissions report for the 2012 calendar year.

2. Respondent was diligent when attempting to return to compliance with the Act and applicable regulations, once the Illinois EPA notified it of its noncompliance.

3. Any economic benefit attributable to the noncompliance would be minimal.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Eleven Thousand Dollars (\$11,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board's regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated

violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. On November 2, 2012, Respondent submitted a proposed Compliance Commitment Agreement ("CCA") under subsection (a) of Section 31 of the Act. The CCA was rejected by the Illinois EPA on November 27, 2012.

#### **V. TERMS OF SETTLEMENT**

##### **A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Eleven Thousand Dollars (\$11,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

##### **B. Stipulated Penalties, Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").

Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Amanda Kimmel  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**D. Future Compliance**

1. Respondent shall timely obtain the appropriate operating permit, issued by the Illinois EPA, which accurately reflects the operations of the Facility.

2. Respondent shall submit its annual emissions report by the May 1st deadline pursuant to Section 9(a) of the Act, 415 ILCS 5/9(a), Sections 201.302 and 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302 and 254.132.

3. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at

all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

4. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board's regulations.

5. The Respondent shall cease and desist from future violations of the Act and Board's regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$11,000.00 penalty, its commitment to cease and desist as contained in Section V.D. above, completion of all activities required by Section V.D., and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board's regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed simultaneous with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and

d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

**F. Enforcement and Modification of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**G. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN  
Attorney General  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

LISA BONNETT, Director  
Illinois Environmental Protection Agency

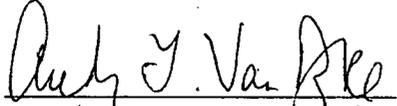
BY:   
MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 9/2/14

DATE: 8/28/14

CNH INDUSTRIAL AMERICA LLC

BY:   
Name: Audrey L. Van Dyke  
Title: Manager, Corp. Env. Energy

DATE: 7/31/14

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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<b>Respondent.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2012), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012). In support of this motion, Complainant states as follows:

1. On today's date, September 2, 2014, a Complaint was filed with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: s/Amanda Kimmel  
AMANDA KIMMEL  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

**CERTIFICATE OF SERVICE**

I hereby certify that I did on September 2, 2014, cause to be served by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT and MOTION FOR RELIEF FROM HEARING REQUIREMENT upon the following:

Peter A. Tomasi  
Quarles & Brady LLP  
411 East Washington Ave., Ste. 2350  
Milwaukee, WI 53202-4426

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794

s/Amanda Kimmel  
AMANDA KIMMEL  
Assistant Attorney General

This filing is submitted on recycled paper.