

ILLINOIS POLLUTION CONTROL BOARD
February 20, 2020

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 20-9
) (Enforcement – Air)
CHICAGO TIRE, INC., an Illinois)
corporation, and CHICAGO)
INDUSTRIAL RETREADERS, INC.,)
an Illinois corporation,)
)
Respondents.)

OPINION AND ORDER OF THE BOARD (by B.K. Carter):

On August 14, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Chicago Tire, Inc. and Chicago Industrial Retreaders, Inc. (collectively respondents). The complaint concerns respondents' facility at 16001 S. Van Drunen Road, South Holland, Cook County, Illinois. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated:

1. Section 9(b) of the Act (415 ILCS 5/9(b) (2018)) and Section 201.142 of the Board air pollution regulations (35 Ill. Adm. Code 201.142) by constructing emissions sources without a permit;
2. Section 9(b) of the Act (415 ILCS 5/9(b) (2018)) and Section 201.143 of the Board air pollution regulations (35 Ill. Adm. Code 201.143) by operating emissions sources without a permit; and
3. Section 9(a) of the Act (415 ILCS 5/9(a) (2018)), Section 201.302(a) of the Board air pollution regulations (35 Ill. Adm. Code 201.302(a)), and Section 254.132(a) of the Illinois Environmental Protection Agency air pollution regulations (35 Ill. Adm. Code 254.132(a)) by failing to submit annual emissions reports.

On December 27, 2019, the People and respondents filed a stipulation and proposal for settlement (Stip.), accompanied by a request 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 stipulation, proposal for settlement, and request for relief. The newspaper notice was published in the *Daily Southtown* on January 17, 2020. The Board did not receive any requests for hearing. The Board grants the parties' request 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. 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 respondents' 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. Respondents admit to the alleged violations. Stip. at 3. 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 stipulation, respondents agree to pay a civil penalty of \$13,375 within 30 days after the date of this order. The People and respondents have satisfied Section 103.302. The Board accepts the stipulation and proposal for settlement.

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 proposal for settlement.
2. Respondents must pay a civil penalty of \$13,375 by March 23, 2020, which is the first business day following the 30th day after the date of this order. Respondents must pay the civil penalty by certified checks or money orders, payable to the Illinois Environmental Protection Agency (Illinois EPA), with one certified check or money order in the amount of \$3,375 designated for deposit into the Illinois EPA Permit and Inspection Fund and the other certified check or money order in the amount of \$10,000 designated for deposit into the Environmental Protection Trust Fund. The case number and case name must appear on the face of each 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 each certified check or money order and any transmittal letter to:


Elizabeth Dubats
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

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. Respondents must cease and desist from future violations of the Environmental Protection Act, Board regulations, and Illinois EPA regulations that were the subject 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.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 20, 2020 by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board