

ILLINOIS POLLUTION CONTROL BOARD
May 21, 2020

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 20-73
)	(Enforcement - Air)
BSREP II WEST JACKSON LLC, a Delaware)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.M. Santos):

On April 27, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against BSREP II West Jackson (BSREP II). The complaint concerns BSREP II's office building 175 West Jackson in Chicago, Cook County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and 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 (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 BSREP II violated Section 9(a) of the Act (415 ILCS 5.9(a) (2018)); Section 201.302(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.203(a)); and Sections 254.132(a) and 254.137(a) of the Illinois Environmental Protections Agency's air pollution regulations (35 Ill. Adm. Code 254.132(a), 254.137(a)) by failing to submit an annual emissions report for calendar year 2018. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On April 27, 2020, simultaneously with the People's complaint, the People and BSREP II 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) (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). Under the proposed stipulation, BSREP II neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000.

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) (2018); 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 21, 2020, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board