ILLINOIS POLLUTION CONTROL BOARD September 17, 2020

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.) PCB 21-01
TFC GROUP, LLC, an Illinois limited liability corporation,) (Enforcement - Air)
Respondent.))

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

On July 15, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against TFC Group, LLC (TFC Group). The complaint concerns TFC Group's coating and electroplating facility located at 136 Commercial Avenue in Addison, DuPage County. 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 on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that TFC Group 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 201.302(a)), and Sections 254.132(a) and 254.137(a) of the Illinois Environmental Protection Agency's Air Pollution Regulations (35 Ill. Adm. Code 254.132(a) and 254.137(a)) by failing to timely submit a complete and accurate Annual Emissions Report for calendar year 2018.

On July 15, 2020, the People and TFC Group 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the Addison Suburban Life on August 21, 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. *See* 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 TFC Group's 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. TFC Group neither admits nor denies the alleged violations. 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 settlement, TFC Group agrees to pay a civil penalty of \$5,000 within 30 days after the date of this order. The People and TFC Group have satisfied Section 103.302. The Board accepts the stipulation and proposed 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 proposed settlement.
- 2. TFC Group, LLC must pay a civil penalty of \$5,000 no later than Monday, October 19, 2020, which is the first business day following the 30th day after the date of this order. TFC Group, LLC must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the face of the certified check or money order.
- 3. TFC Group, LLC 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

TFC Group, LLC must send a copy of the certified check or money order and any transmittal letter to:

Arlene R. Haas, 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. TFC Group, LLC must cease and desist from future violations of the Environmental Protection Act, Board regulations, and Illinois Environmental Protection Agency 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.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court		
Parties	Board	
Arlene R. Haas, Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 69 W. Washington Street, Suite 1800 Chicago, Illinois 60602 ahaas@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov	
James J. Karras Kelly & Karras, Ltd. 1010 Jorie Boulevard, Suite 100 Oak Brook, Illinois 60523 jjkarras@kellykarras.com		

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 17, 2020, by a vote of 4-0.

Don A. Brown, Clerk

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Illinois Pollution Control Board