## ILLINOIS POLLUTION CONTROL BOARD November 5, 2020

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 21-33
LAWRENCE FOODS, INC., an Illinois corporation,	)	(Enforcement - Air)
Respondent.	)	

ORDER OF THE BOARD (by B. F. Currie):

On October 29, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Lawrence Foods, Inc. (Lawrence Foods). The complaint concerns Lawrence Foods' bakery ingredient manufacturing facility located at 2200 Lunt Avenue in Elk Grove Village, in 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 Lawrence Foods violated the following authorities:

**Count I**—Violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2018) and Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a) <sup>1</sup> by failing to timely submit a complete and accurate annual emissions report.

**Count II**—Violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2018) and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142 by constructing an emission source without a permit.

**Count III**—Violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2018) and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143 by operating an emission source without a permit.

<sup>&</sup>lt;sup>1</sup> Although the complaint and stipulation consistently refer to an alleged violation of Section 201.302(a), Section B of the stipulation cites it as a provision of Part 254. The Board considers this merely an inadvertent reference in proposing a settlement of the alleged violation of Section 201.302(a).

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 October 29, 2020, simultaneously with the People's complaint, the People and Lawrence Foods 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 III. Adm. Code 103.300(a). Under the proposed stipulation, Lawrence Foods does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$12,500.

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 November 5, 2020, by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

(1) on a. Brown