

ILLINOIS POLLUTION CONTROL BOARD  
December 15, 2022

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 23-51  
) (Enforcement - Air)  
3396 GREEN BAY, LLC, an Illinois limited )  
liability company, )  
)  
Respondent. )

ORDER OF THE BOARD (by J. Van Wie):

On October 28, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against 3396 Green Bay, LLC (3396 Green Bay). The complaint concerns 3396 Green Bay’s property located at 3396 Buckley Road in North Chicago, Lake 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 parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that 3396 Green Bay violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board’s Air Pollution Regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)) The People allege that 3396 Green Bay committed these violations by failing to timely decommission its vapor collection and control system; failing to timely submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency; and causing, threatening, or allowing the discharge or emission of volatile organic compounds into the environment so as to violate Board regulations.

On October 28, 2022, simultaneously with the People’s complaint, the People and 3396 Green Bay 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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 *Daily Herald* on November 7, 2022. 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) (2020); 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 3396 Green Bay'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) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. 3396 Green Bay does not affirmatively admit the alleged violation. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, 3396 Green Bay agrees to pay a civil penalty of \$5,000 within 30 days after the date of this order. The People and 3396 Green Bay 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. 3396 Green Bay must pay a civil penalty of \$5,000 no later than January 16, 2023, the first business day following the 30th day after the date of this order. 3396 Green Bay 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 certified check or money order.
3. 3396 Green Bay 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

3396 Green Bay must send a copy of the certified check or money order and any transmittal letter to:

Nancy J. Tikalsky  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 West Washington, Suite 1800  
Chicago, IL 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) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. 3396 Green Bay must cease and desist from future violations of the Environmental Protection Act and Board 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) (2020); *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.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
3396 Green Bay, LLC Attn: Zoravar Singh Natt 3396 Green Bay, LLC 3396 Buckley Road North Chicago, IL 60064 zoravarnatt@gmail.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605
Nancy J. Tikalsky Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 69 West Washington, Suite 1800 Chicago, IL 60602	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 15, 2022, 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