

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by KWAME RAOUL, Attorney General)
 of the State of Illinois,)
)
 Complainant,)
)
 v.)
)
 LEISURE PROPERTIES, LLC)
 a Delaware corporation, d/b/a)
 CROWNLINE BOATS,)
)
 Respondent.)

PCB No. 2023-
(Enforcement -Air)

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements, copies of which are attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
KWAME RAOUL, Attorney General
of the State of Illinois

By: /s/Kevin D. Barnai
 Kevin D. Barnai, #6329422
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 500 South Second Street
 Springfield, Illinois 62706
 Office: (217) 782-9035
 Cell: (217) 685-4247
 Kevin.Barnai@ilag.gov

Date: June 21, 2023

Service List

For the Respondent

Leisure Properties LLC
d/b/a Crownline Boats, Inc.
c/o Guy Coons, Chief Financial Officer
11884 Country Club Rd.
West Frankfort, IL 62896-5064
gcoons@crownline.com
(via certified mail)

Leisure Properties LLC
d/b/a Crownline Boats, Inc.
c/o David McKenzie, Safety Director
11884 Country Club Rd.
West Frankfort, IL 62896-5064
dmckenzie@crownline.com
(via certified mail)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
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Complainant,)	
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v.)	PCB No. 2023-
)	
LEISURE PROPERTIES, LLC,)	
a Delaware limited liability company, d/b/a)	
CROWNLINER BOATS,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, LEISURE PROPERTIES, LLC, a Delaware limited liability company, d/b/a CROWNLINER BOATS, as follows:

COUNT I
OPERATING WITHOUT A CLEAN AIR ACT PERMIT PROGRAM PERMIT

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, against Respondent on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, LEISURE PROPERTIES, LLC, is a Delaware limited liability company in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State, and does business under the name CROWNLINE BOATS.

4. Respondent operates a boat manufacturing facility located at 11884 Country Club, West Frankfort, Franklin County, Illinois (“Facility”).

5. On December 16, 2015, Illinois EPA issued a renewal of Clean Air Act Program Permit (“CAAPP”) Permit 96030137 to Respondent.

6. At all times relevant to this Complaint, the emission units operated by Respondent at the Facility included: mold preparation, four gelcoat application booths, 24 laminating stations, floor lacquer application, carpet adhesive application, caulk application, wood cutting equipment, and floor resin storage tanks.

7. At all times relevant to this Complaint, the emission units operated by Respondent at the Facility are capable of emitting, and have emitted, volatile organic material (“VOM”), which is a specified air contaminant as that term is defined in Section 201.102 of the Board’s Air Pollution Control Regulations, 35 Ill. Adm. Code 201.102.

8. Respondent’s operation of the Facility is subject to the Act.

9. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022), provides as follows:

After the applicable CAAPP permit or renewal application submittal date, as specified in Subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP

permit or renewal application for such source has been timely submitted to the Agency.

10. Section 39.5(5)(n) of the Act, 415 ILCS 39.5(5)(n) (2022), provides in pertinent part as follows:

5. Applications and Completeness

- n. For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration.

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

12. Respondent, a corporation, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

13. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2022), provides the following definitions:

“CAAPP” means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

“CAAPP Permit” or “permit” (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

“Major source” means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph (c) of subsection 2 of this Section.

“Owner or operator” means any person who owns, leases, operates, controls, or supervises a stationary source.

“Potential to emit” means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

“Source” means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) belonging to a single major industrial grouping.

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

14. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2022), provides, in pertinent part, as follows:

- (a) Sources subject to this Section shall include:
 - (i) Any major source as defined in paragraph (c) of this subsection.
* * *
- (c) For purposes of this Section, the term "major source" means any source that is:
 - (ii) A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 [tons per year] or more of any air pollutant subject to regulations

15. At all times relevant to this Complaint, the Facility had the potential to emit more than 100 tons per year of VOM. Therefore, the Facility was a “CAAPP source” and a “major source” as those terms are defined in Sections 39.5(1) and 39.5(2) of the Act, 415 ILCS 5/39.5(1) and (2) (2022), respectively.

16. At all times relevant to this Complaint, Respondent was an “owner or operator” of a CAAPP source as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2022).

17. Because the Facility is a “CAAPP source” and a “major source,” Respondent is required to obtain a CAAPP permit to operate the Facility, pursuant to Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022).

18. Respondent’s CAAPP Permit 96030137 expired on December 16, 2020.

19. Section 2.1.b. of CAAPP Permit 96030137 provides as follows:

After the applicable CAAPP permit or renewal application submittal date, as specified in Section 39.5(5) of the Act, the source shall not operate this CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the IEPA. [Section 39.5(6)(b) of the Act]

20. Respondent was required to submit its application for renewal of CAAPP Permit 96030137 no later than March 16, 2020.

21. On December 17, 2020, Illinois EPA received from Respondent a renewal application for CAAPP Permit 96030137, after the time period specified in Section 39.5(5)(n) of the Act, 415 ILCS 5/39.5(5)(n) (2022), and Section 2.1.b. of CAAPP Permit 96030137. Thus, the application was untimely.

22. On August 23, 2021, Illinois EPA issued a new CAAPP Permit 96030137 to Respondent.

23. Beginning on March 16, 2021, and continuing through August 23, 2021, and on dates better known to Respondent, Respondent operated the Facility without a CAAPP permit.

24. By failing to timely submit the renewal application for CAAPP Permit 96030137 and operating a CAAPP source without the required CAAPP permit, Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant the following relief in favor of the Complainant and against Respondent, LEISURE PROPERTIES, LLC, a Delaware limited liability company, d/b/a CROWNLINE BOATS, on this Count I, as follows:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022);

C. Ordering the Respondent to cease and desist from further violations of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022);

D. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation and a civil penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022);

E. Awarding to the Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

F. Granting such other and additional relief as this Court deems equitable and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: /s/ Andrew Armstrong
ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General
(ARDC #6282447)

Kevin D. Barnai (ARDC #6329422)
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
Ph: (217) 782-9035
Kevin.Barnai@ilag.gov

Dated: June 21, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CROWNLIN BOATS,)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and LEISURE PROPERTIES, LLC, a Delaware limited liability company, d/b/a CROWNLIN BOATS, (“Respondent” or “CROWNLIN”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2020), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. Contemporaneous with this Stipulation, a Complaint was filed on behalf of the

People of the State of Illinois by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020).

3. At all times relevant to the Complaint, Respondent LEISURE PROPERTIES, LLC, is a Delaware limited liability company in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State, and does business under the name CROWNLINE BOATS.

4. At all times relevant to the Complaint, Respondent owned and operated a boat manufacturing facility located at 11884 Country Club, West Frankfort, Franklin County, Illinois (“Facility”).

5. The emission units operated by Respondent at the Facility included: mold preparation, four gelcoat application booths, 24 laminating stations, floor lacquer application, carpet adhesive application, caulk application, wood cutting equipment, and floor resin storage tanks.

6. Respondent’s operation of the Facility is subject to the Clean Air Act.

7. On December 16, 2015, Illinois EPA issued a renewal of Clean Air Act Program Permit (“CAAPP”) Permit 96030137 to Respondent.

8. Respondent’s CAAPP Permit 96030137 expired on December 16, 2020.

9. Respondent was required to submit its application for renewal of CAAPP Permit 96030137 no later than March 16, 2020.

10. On December 17, 2020, Illinois EPA received from Defendant a renewal

application for CAAPP Permit 96030137.

11. On August 23, 2021, Illinois EPA issued a new CAAPP Permit 96030137 to Respondent.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Operating Without a Clean Air Act Permit Program Permit
Operating without a Clean Air Act Permit Program permit in violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020).

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

Respondent submitted an application for its Clean Air Act Permit Program ("CAAPP") to the Illinois EPA. On August 23, 2021, Illinois EPA issued Defendant a new CAAPP permit no. 96030137 for the Facility.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS

5/39 and 42 (2020).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by Respondent's violations thereby threatening human health and the environment.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located, so long as it is operated in compliance with the Act and Board regulations.
4. Obtaining coverage under the CAAPP for the Facility and compliance with its terms are both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. On December 17, 2020, Illinois EPA issued Respondent Violation Notice ("VN") A-2020-00447 for its failure to renew its CAAPP Permit. On December 17, 2020, Illinois EPA received Respondent's CAAPP renewal application postmarked December 12, 2020. Respondent

was required to submit its application for renewal of CAAPP Permit 96030137 no later than March 16, 2020.

2. Respondent did show due diligence in resolving the violations.

3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of FOURTEEN THOUSAND DOLLARS (\$14,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. **Penalty Payment**

The Respondent shall pay a civil penalty in the sum of FOURTEEN THOUSAND DOLLARS (\$14,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. **Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing

immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Kevin D. Barnai
Assistant Attorney General
Environmental Bureau South
Illinois Attorney General's Office
500 South Second St.
Springfield, Illinois 62701

D. Future Compliance

1. The Respondent shall comply with the terms and conditions of the CAAPP Permit.
2. The Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent's Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.
3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.
4. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the FOURTEEN THOUSAND DOLLARS (\$14,000.00) penalty; its compliance with the CAAPP Permit, as contained in Section V.D.1 above, its commitment to cease and desist as contained in Section V.D.4 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed concurrently with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

AGREED:

FOR THE COMPLAINANT:

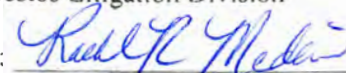
PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL,
Attorney General of the
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

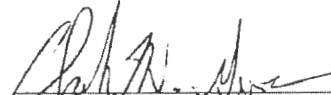
JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY:



RACHEL R. MEDINA
Deputy Bureau Chief
Environmental Bureau
Assistant Attorney General

BY:



CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: _____

DATE: 6/9/23

FOR THE RESPONDENT:

LEISURE PROPERTIES, LLC d/b/a
CROWNLINE BOATS

BY:

Its: SAFETY DIRECTOR

DATE: 4/18/23

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CROWNLINER BOATS,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2022), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2022). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022).
2. Complainant filed its Complaint contemporaneously with the Stipulation.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.
5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this Motion for Relief from Hearing Requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2022).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: s/ Kevin D. Barnai
Kevin D. Barnai, #6329422
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
Office: (217) 782-9035
Cell: (217) 685-4247
Kevin.Barnai@ilag.gov

Dated: June 21, 2023

CERTIFICATE OF SERVICE

I, Kevin D. Barnai, an Assistant Attorney General, certify that on the 21st day of June 2023, I caused to be served by U.S. Certified Mail, the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 500 South Second Street, Springfield, Illinois 62701.

By: s/ Kevin D. Barnai
Kevin D. Barnai, #6329422
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
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