

ILLINOIS POLLUTION CONTROL BOARD  
October 5, 2023

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 24-21  
) (Enforcement - Air)  
AEP NVH OPCO, LLC, a Delaware limited )  
liability company, d/b/a APPLIED )  
ACOUSTICS INTERNATIONAL, )  
)  
Respondent. )

ORDER OF THE BOARD (by M.D. Mankowski):

On September 22, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against AEP NVH OPCO, LLC, d/b/a Applied Acoustics International (Applied Acoustics). The complaint concerns Applied Acoustics' sound dampening pad production facility located at 1001 State Street in Chicago Heights, 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.

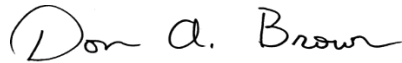
Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Applied Acoustics violated Section 9(a) of the Act (415 ILCS 5/9(a) (2022) and Section 201.302(a) and 254.132(a) of the Board's and the Illinois Environmental Protection Agency's air pollution regulations (35 Ill. Adm. Code 201.302(a), 254.132(a)) by failing to submit a complete and accurate Annual Emissions Report for calendar year 2021. 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 September 22, 2023, simultaneously with the People's complaint, the People and Applied Acoustics 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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, Applied Acoustics does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$10,000.

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) (2022); 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 October 5, 2023, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk  
Illinois Pollution Control Board