

ILLINOIS POLLUTION CONTROL BOARD
July 11, 2024

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 24-80
) (Enforcement - Air)
PETDINE, LLC, a Colorado limited liability)
company formerly known as PEDIGREE)
OVENS, LLC, a withdrawn Delaware limited)
liability company,)
)
Respondents.)

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

On June 24, 2024, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Petdine LLC (Petdine). The complaint concerns Petdine's pet treat manufacturing facility located at 2 Dogs Way in Harvard, McHenry 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 Petdine violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2022) and Section 201.142 and 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142 and 35 Ill. Adm. Code 201.143, by failing to obtain the requisite construction and operating permits for their manufacturing facility. The People additionally allege Petdine violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), by failing to timely submit complete and accurate annual emissions reports for the calendar years of 2018, 2019, and 2020. 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).

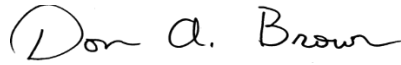
On June 24, 2024, simultaneously with the People's complaint, the People and Petdine filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) 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, Petdine does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$91,000.

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 and order on July 11, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board