

ILLINOIS POLLUTION CONTROL BOARD
August 22, 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OVENS, LLC, a withdrawn Delaware limited)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,)
)
Respondent.)

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

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 parties’ stipulation and proposed settlement.

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 that 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 Environmental Protection Agency (IEPA) 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Northwest Herald* on July 17, 2024. 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) (2022); 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 PetDine'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) (2022)), which bears on the reasonableness of the circumstances surrounding the alleged violations. PetDine does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2022)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, PetDine agrees to pay a civil penalty of \$91,000 within 30 days after the date of this order. The People and PetDine 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. PetDine must pay a civil penalty of \$91,000 no later than September 23, 2024, which is the first business day following the 30th day after the date of this order. PetDine 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. PetDine 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

PetDine must send a copy of the certified check, or money order and any transmittal letter to:

Jason Clark
Assistant Attorney General
Environmental Bureau

Office of the Illinois Attorney General
 69 West Washington, Suite 1800
 Chicago, Illinois 60602
 Jason.Clark@ilag.gov

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
5. PetDine must cease and desist future violations of the Environmental Protection Act, IEPA Regulations, 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) (2022); *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.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Attorney General’s Office Attn.: Jason Clark, Asst. Atty. General Environmental Bureau 69 W. Washington Street, Suite 1800 Chicago, Illinois, 60602 Jason.Clark@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren Street, Suite 630 Chicago, Illinois 60605
Thor Ketzback Bryan Cave Leighton Paisner 161 N. Clark Street, Suite 4300 Chicago, IL 60601-3315 thor.ketzback@bclplaw.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 22, 2024, by a vote of 4-0.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board