

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2025

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 25-48
)	(Enforcement - Air)
MACY’S RETAIL HOLDINGS, LLC, an)	
Illinois corporation,)	
)	
Respondent.)	

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

On February 21, 2025, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Marshall Field’s Chicago, Inc. d/b/a Macy’s Brunswick Square (Macy’s). The complaint concerns Macy’s boiler plant located at 111 North State Street in Chicago, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement. The order also grants the parties’ agreed motion to correct misnomer by substituting the original named respondent with “Macy’s Retail Holdings, LLC.”

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 Macy’s violated Section 9(a) of the Act (415 ILCS 5/9(a) (2022)), Section 210.302(a) of the Board’s air pollution rules (35 Ill. Adm. Code 201.302(a)), and Section 254.132(a) and 254.137(a) of the Illinois Environmental Protection Agency’s air pollution rules (35 Ill. Adm. Code 254.132(a), 254.137(a)). The People allege that Macy’s committed these violations by failing to timely submit to the Illinois Environmental Protection Agency a complete and accurate Annual Emissions Report for its facility for calendar year 2022.

PROPOSED SETTLEMENT

On May 2, 2025, the People and Macy’s 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, Macy’s neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$8,000.

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.

AGREED MOTION TO SUBSTITUTE

On April 24, 2025, the parties filed an agreed motion to substitute to correct the inadvertent misnomer of the respondent (Mot.). The agreed motion cites Section 103.202(c) of the Board's procedural rules, which provides that "[m]isnomer of a party is not a ground for dismissal; the names of the any party may be corrected at any time." 35 Ill. Adm. Code 103.202(c). According to the motion, on March 18, 2025, counsel for Marshall Field's informed the People that Marshall Field's no longer conducts any business, and that Macy's Retail Holdings, LLC is the primary entity responsible for daily operations of the boiler plant at issue. Mot. at 2. The parties request that the respondent should be referred to as "Macy's Retail Holdings, LLC" and that all subsequent filings be amended to correct the misnomer.

The Board grants the parties' agreed motion to substitute. The Board has corrected the caption of this order to refer to the respondent as "Macy's Retail Holdings, LLC" and directs its Clerk to make this substitution in this docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2025, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board