ILLINOIS POLLUTION CONTROL BOARD February 5, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
Compleinent)	
Complainant,)	
v.)	PCB 08-51
)	(Enforcement - Air)
HIGHLAND BAKING COMPANY, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by S.D. Lin):

On March 12, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six count complaint (complaint) against Highland Baking Company (Highland) concerning Highland's bakery located at 3665 West Lunt Avenue, Lincolnwood, 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 (Stip.), proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that Highland violated Sections 9(a), 9(b), and 39.5(6)(b) of the Act (415 ILCS 5/9(a), (b) and 5/39.5(6)(b) (2006)), and Sections 201.142, 201.143, 203.201, 203.203(a), 205.310.(a)(3) and 201.302(a) of the Board's Air Pollution Regulations¹, by failing to construct and operate a new, stationary source of air pollution with the necessary permits, requirements, and reports. Comp. at 1-23.

On January 29, 2009, the People and Highland 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, Highland neither admits nor denies the alleged violations, but agrees to pay a civil penalty of \$75,000.00.

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

¹ As recited in the stipulation (Stip at 2), Count VI of the complaint alleges violation of Section 254.137(a) of the Illinois Environmental Protection Agency's Air Pollution Regulations. The Board notes that it has authority to enforce only violations of the Act and the Board's own rules.

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) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 5, 2009, by a vote of 5 - 0.

John Therriault, Assistant Clerk Illinois Pollution Control Board