

sources (count III); (4) by failing to file Annual Emission Reports (AERs) for the years 2001 and 2002 and failing to timely file AERs for the years 2003 through 2006 (count IV); (5) by failing to timely apply for a Clean Air Act Permit Program (CAAPP) permit and by operating a major stationary source without a CAAPP permit (count V); (6) by constructing a new major source or major modification to an emission source without first having applied for and obtained a construction permit from the Agency (count VI); (7) by failing to submit the required reports and maintain the required records for its polyester resin products manufacturing operation (count VII); and (8) by failing to (a) timely initiate data collection and demonstrate compliance as required, (b) keep required records, (c) submit required notices to the Agency, (d) submit semi-annual compliance reports to the Agency, and (e) keep copies of notifications and reports submitted to the Agency, records related to startup, shutdown, and malfunction, or records of performance tests, and design and performance evaluations (count VIII).

On February 1, 2011, the People and Seating Concepts 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Seating Concepts neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$139,000.

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) (2008); 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 17, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board