

ILLINOIS POLLUTION CONTROL BOARD  
December 15, 2011

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 11-45
	)	(Enforcement – Air)
COLUMBUS FOODS COMPANY, INC., an	)	
Illinois corporation	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by D. Glosser):

On February 14, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Columbus Foods Company, Inc. (Columbus Foods). The complaint concerns the Columbus Foods biodiesel manufacturing facility located at 849 North Troy Street in Chicago, Cook County. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Columbus Foods violated Sections 9(a) and 9(b) of the Act (415 ILCS 5/9(a), 9(b) (2010)), Sections 201.142, 201.143, and 201.302(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.142, 201.143, 201.302(a)), and Section 254.137 of the air pollution regulations of the Illinois Environmental Protection Agency (Agency) (35 Ill. Adm. Code 254.137). The People further allege that Columbus Foods violated these provisions by: 1) installing emission sources capable of causing or contributing to air pollution without obtaining a construction permit from the Agency; 2) operating new emission sources without obtaining an operating permit from the Agency; and 3) failing to file Annual Emission Reports (AERs) with the Agency for the calendar years 1996 through 2009.

On December 9, 2011, the People and Columbus Foods 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Columbus Foods does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$50,000.00.

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 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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 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 December 15, 2011, by a vote of 4-0, Member Burke abstained.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board