

ILLINOIS POLLUTION CONTROL BOARD

August 23, 2012

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 06-8
	)	(Enforcement – Air)
BRIDGEPORT GRAIN, INC.,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C. K. Zalewski):

On July 19, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Bridgeport Grain, Inc. (Bridgeport Grain). The complaint concerns Bridgeport Grain's grain elevator and storage facility located at 123 Main Street, Bridgeport, Lawrence 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.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Bridgeport Grain violated Sections 9(a) and 9(b) of the Act, 415 ILCS 5/9(a), 9(b) (2010)<sup>1</sup>, 35 Ill. Adm. Code Sections 201.141, 212.461(b), 212.462(d)(1), and Conditions 5(b), 5(a), 6(e), 8(a)(1) of Operating Permit No. 72111147. According to the complaint, Bridgeport Grain violated these provisions by causing, allowing or threatening the emission of contaminants, so as to cause or tend to cause air pollution in Illinois, whether alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board, by failing to comply with the housekeeping and operating practices, including failing to maintain a housekeeping checklist, as required by the Board's air pollution regulations, and by not complying with the terms of its operating permit.

On August 9, 2012, the People and Bridgeport Grain 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, Bridgeport

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<sup>1</sup> All citations to the Act will be to the 2010 compiled statutes, unless the provision at issue has been substantively amended in the 2010 compiled statutes.

Grain does not affirmatively admit to the alleged violations, but agrees to pay a civil penalty of \$6,000.00.

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 parties' 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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 23, 2012 by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board