ILLINOIS POLLUTION CONTROL BOARD March 20, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 13-35
)	PCB 13-36
THE BOARD OF TRUSTEES OF THE)	(Enforcement - Air)
UNIVERSITY OF ILLINOIS, a body)	(Consolidated)
Corporate and politic,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.D. O'Leary):

On January 3, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed two complaints against the Board of Trustees of the University of Illinois (University). The Board opened a docket for each complaint, PCB 13-35 and PCB 13-36. Both complaints concern the University's campus facilities in Chicago, Cook County, and allege air pollution control violations by the University. PCB 13-35 concerns a power plant located at 1140 South Morgan Street for the University's East Campus, while PCB 13-36 concerns a power plant located at 1717 West Taylor Street for the University's West Campus. By order of April 18, 2013, the Board consolidated PCB 13-35 and PCB 13-36 for purposes of hearing and decision. 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 (2012)), 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 (2012); 35 Ill. Adm. Code 103. The People allege in PCB 13-35 that the University violated Section 39.5(6)(b) of the Act (415 ILCS 5/39.5(6)(b) (2012)) by failing to comply with Clean Air Act Permit Program (CAAPP) permit renewal requirements. In PCB 13-36, the People first allege that the University violated Sections 9(b) and 9.12(j) of the Act (415 ILCS5/9(b), 9.12(j) (2012)), Section 201.142 of the Board's regulations (35 Ill. Adm. Code. 201.142), and Condition 1.4(a) of the Construction Permit by constructing air emission sources without a permit. The People also allege in PCB 13-36 that the University violated Section 9(a) of the Act (415 ILCS 5/9(a) (2012)) and Section 203.201 of the Board's regulations (35 Ill. Adm. Code 203.201) by failing to comply with New Source Review requirements. Lastly, the People allege in PCB 13-36 that the University violated Section 39.5(6)(b) of the Act (415 ILCS 5/39.5(6)(b) (2012)) by failing to comply with CAAPP permit requirements.

On March 10, 2014, the People and the University filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1)

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of the Act (415 ILCS 5/31(c)(1) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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, the University does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$10,000. In addition, the University agrees to perform a supplemental environmental project with a settlement value of \$101,000 consisting of "[r]eplacement of at least one (1) of two (2) chillers that currently use ozone depleting refrigerant R-11 with one that uses a non-ozone depleting refrigerant at the University's Administrative Office Building, located at 1737 West Polk Street, Chicago, Illinois."

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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 20, 2014 by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board

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¹ In addition to the violations alleged in the consolidated complaints, Section I.C of the parties' stipulation and proposed settlement, entitled "Additional Violations Being Resolved," states that the People contend the University has violated additional provisions of the Act and Board regulations and permit conditions. Section I.D states that University does not affirmatively admit the violations referred to in Section I.C.