ILLINOIS POLLUTION CONTROL BOARD June 5, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 14-114
HENDDICKSON HS A. L. C.)	(Enforcement – Air)
HENDRICKSON USA, L.L.C.,)	
a Delaware corporation,)	
D. I.)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On March 7, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint and on March 14, 2014, the People filed an amended complaint against Hendrickson USA, L.L.C. The complaint concerns Hendrickson USA's automotive parts manufacturing facility at 501 Canton Farm Road, Crest Hill, Will 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 (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. In this case, the People allege that Hendrickson USA violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012); Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a); and Section 254.137(a) of the Illinois Environmental Protection Agency Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a) by failing to submit an annual emissions report.

On May 27, 2014, the People and Hendrickson USA 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) (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, Hendrickson USA admits the alleged violation and agrees to pay a civil penalty of \$5,000.

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) (2012); 35 III. 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 June 5, 2014 by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board