ILLINOIS POLLUTION CONTROL BOARD September 18, 2014

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
v)	PCB 15-62
V.)	(Enforcement - Air)
CNH INDUSTRIAL AMERICA LLC,)	(Emorcement - 7411)
A Delaware Limited Liability Corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On September 2, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against CNH Industrial America, LLC (respondent). The complaint concerns respondent's property located at 600 East Peoria Street, Goodfield, Woodford County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

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 the respondent violated Sections 9(a) and 39.5(6)(b) of the Act (415 ILCS 5/9(a) and 39.5(6)(b)(2012)), and Sections 201.302 and 254.132 of the Board's Air Pollution Regulations (35 Ill. Adm. Code 201.302 and 254.132). According to the complaint, the respondent violated these provisions by failing to submit the renewal application for the Clean Air Act Permit Program (CAAPP) in a timely manner, operating the Source without the requisite CAAPP permit, and failing to submit the annual emissions report for the 2012 calendar year in a timely manner. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On September 2, 2014, simultaneously with the People's complaint, the People and the respondent 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, the respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$11,000.

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 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 September 18, 2014, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board