

ILLINOIS POLLUTION CONTROL BOARD  
September 3, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 16-42
	)	(Enforcement – Air)
HUEBER, LLC, an Illinois limited liability	)	
company,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by D. Glosser):

On August 28, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against the Hueber, LLC, an Illinois limited liability company (respondent). The complaint concerns respondent's animal feed handling and storage facility located at 110 South Main Street, Creston, Ogle County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. For the reasons stated below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief of the hearing requirement.

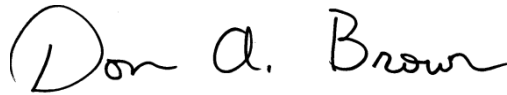
Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 9(a) the Act (415 ILCS 5/9(a) (2014)), Sections 201.302(a) of the Board's Air Pollution Regulations (35 Ill. Adm. Code 201.302(a)) and Section 254.137(a) of the Illinois Environmental Protection Agency's Air Pollution Regulations (35 Ill. Adm. Code 254.137(a)). The People allege that respondent violated these provisions by failing to timely submit Annual Emissions Reports for the calendar years 2013 and 2014. 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 August 28, 2015, simultaneously with the People's complaint, the People and respondent filed a stipulation and proposed settlement and a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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 neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$3,100.

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) (2014); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 3, 2015, by a vote of 5 - 0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board