## ILLINOIS POLLUTION CONTROL BOARD October 15, 2015

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 11-24
U.S. CHROME CORPORATION OF	)	(Enforcement – Air)
ILLINOIS, INC., a Connecticut corporation,	)	
Respondent.	)	

## ORDER OF THE BOARD (by G.M. Keenan):

On December 1, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against U.S. Chrome Corporation of Illinois, Inc. The complaint concerned U.S. Chrome's hard chromium electroplating operations at its facility located at 305 Herbert Road in Herbert, Boone 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 (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 U.S. Chrome violated 35 Ill. Adm. Code 201.142 by constructing emission sources without a permit; 35 Ill. Adm. Code 201.143 by operating emission sources without a permit; 40 C.F.R. §§ 63.7 and 63.343 (and thereby Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2010)) by failing to conduct performance testing measures and implement monitoring, recordkeeping and reporting measures; 40 C.F.R. § 63.346 (and thereby Section 9.1(d) of the Act) by failing to maintain proper records; 40 C.F.R. § 63.347 (and thereby Section 9.1(d) of the Act) by failing to prepare and submit notifications of compliance status; and Section 9.12 of the Act, 415 ILCS 5/9.12 (2010), by failing to submit the requisite construction permit fee.

On October 9, 2015, the People and U.S. Chrome 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) (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, U.S. Chrome does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$45,000.

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) (2014); 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 October 15, 2015 by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board