ILLINOIS POLLUTION CONTROL BOARD January 19, 2017

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 04-137
)	(Enforcement - Air)
RAIN CII CARBON, LLC,)	,
(formerly known as Robinson Carbon, Inc.),)	
a foreign corporation,)	
)	
Respondent.)	

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

On March 17, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed its third amended complaint, alleging eight counts against CII Carbon, LLC (now known as Rain CII Carbon, LLC). The People filed the first complaint on February 2, 2004. The third amended complaint concerns CII's calcined coke plant located at 12187 East 950th Avenue in Robinson, Crawford 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 CII violated air pollution provisions of the Act, associated regulations, and associated permit provisions. The People allege eight violations: air pollution, permit condition violations, reporting and recordkeeping violations, maintenance and notification violations, the other recordkeeping violations, poperation and notification violations, failure to timely submit annual emissions reports, and failure to submit true and accurate compliance certifications for 2010 and 2011.

¹ 415 ILCS 5/9(a) (2014); 35 III. Adm. Code 201.141, 212.321.

² 415 ILCS 5/9(b); Standard Conditions 7, 9, and 9(a) of CII's Operating Permit #7511042.

³ 415 ILCS 39.5(6)(a) (2014); Conditions 5.6.6, 7.1.9, 7.2.5, 7.2.9(c)-(d), and 7.2.10 of CII's Clean Air Act Permit Program (CAAPP) permit.

⁴ 415 ILCS 5/39.5(6)(a) (2014); Conditions 7.2.3, 7.2.10, and 9.2.2 of CII's CAAPP permit.

⁵ 415 ILCS 39.5(6)(a) (2014); Conditions 5.6.1, 5.6.6, 7.1.9, 7.2.9, 7.4.9, and 9.6.1 of CII's CAAPP permit.

⁶ 415 ILCS 39.5(6)(a) (2014); Conditions 7.2.3(h)(ii)(D)(2) and 7.2.6 of CII's CAAPP permit.

⁷ 415 ILCS 5/9(a) (2014); 35 Ill. Adm. Code 201.302(a), 254.132(a).

⁸ 415 ILCS 5/39.5(6)(a) (2014); Condition 9.8 of CII's CAAPP permit.

On January 10, 2017, the People and CII 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, CII neither admits nor denies the alleged violations. CII agrees to pay a civil penalty of \$235,000 and perform compliance activities specified in the stipulation.

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) (2010); 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 January 19, 2017 by a vote of 5-0.

Don A. Brown, Assistant Clerk Illinois Pollution Control Board

Don a. Brown