## ILLINOIS POLLUTION CONTROL BOARD November 2, 2017

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
Complamant,	)	
v.	)	PCB 18-16
	)	(Enforcement - Air)
WORK AREA PROTECTION CORP.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by K. Papadimitriu):

On October 19, 2017, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Work Area Protection Corp. (WAP). The complaint concerns WAP's plastic molding facility located at 2500 Production Drive, St. Charles, in Kane 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 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that WAP violated Sections 201.302 and 254.132 of Illinois' air pollution regulations (35 Ill. Adm. Code 201.302 and 254.132), and thereby also violated Section 9(a) of the Act (415 ILCS 5/9(a) (2016)), by failing to submit timely annual emission reports for 2015 and 2016. 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 October 19, 2017, simultaneously with the People's complaint, the People 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, WAP neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,000.

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) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, Don Brown A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 2, 2017, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

(1) on a. Brown