## ILLINOIS POLLUTION CONTROL BOARD January 11, 2018

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 18–51
	)	(Enforcement – Air)
NORTH AMERICAN EN, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

## ORDER OF THE BOARD (by C.K. Zalewski):

On December 22, 2017, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against North American EN, Inc. (North American EN). The complaint concerns North American EN's property located at 776 Lunt Avenue in Elk Grove Village, Cook 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 North American EN: (1) violated the Board's air pollution regulations, the Illinois Environmental Protection Agency's air pollution regulations, and Section 9(a) of the Environmental Protection Act by failing to timely submit a complete and accurate Annual Emission Report (AER) for 2016 (*see* 35 Ill. Adm. Code 201.302(a), 254.132(a), 254.137(a), 415 ILCS 5/9(a) (2016)); and (2) violated Section 31(a)(7.6) of the Environmental Protection Act by violating a provision of a Compliance Commitment Agreement that required implementing an internal policy to ensure timely submittal of AERs (*see* 415 ILCS 5/31(a)(7.6) (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 December 22, 2017, simultaneously with the People's complaint, the People and North American EN 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, North American EN admits to the alleged violations and agrees to pay a civil penalty of \$7,000.

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 A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 11, 2018, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board