

(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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Herald & Review* of Decatur on August 24, 2018. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2016); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Tate & Lyle's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2016)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Tate & Lyle does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2016)), which may mitigate or aggravate the civil penalty amount. Tate & Lyle agrees to pay a civil penalty of \$315,000. The parties' proposed settlement also includes future compliance actions including compliance with specified standards and submitting applications for permit modifications. The proposed settlement also includes stipulated penalties if Tate & Lyle fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in the parties' stipulation. The People and Tate & Lyle have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Tate & Lyle must pay a civil penalty of \$315,000 no later than Monday, November 5, 2018, which is the first business day following the 30th day after the date of this order. Tate & Lyle must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the face of the certified check or money order.
3. Tate & Lyle must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Tate & Lyle must send a copy of the certified check or money order and any transmittal letter to:

Kathryn A. Pamenter, Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 69 W. Washington St., Suite 1800
 Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2016)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2016)).
5. Tate & Lyle must cease and desist from future violations of the Clean Air Act, applicable federal regulations, the Environmental Protection Act and the Board regulations that were the subject of the fourth amended complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2016); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Tate and Lyle Ingredients Americas, LLC Attn.: James L. Curtis, Jeryl L. Olson Seyfarth Shaw LLP 131 S. Dearborn St., Suite 2400 Chicago, Illinois 60603	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601

Illinois Attorney General's Office Attn.: Kathryn A. Pamenter, Assistant Attorney General Environmental Bureau 69 W. Washington St., Suite 1800 Chicago, Illinois 60602	
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 4, 2018, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board