

ILLINOIS POLLUTION CONTROL BOARD
May 17, 2012

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 12-125
) (Enforcement)
LASALLE STREET CAPITAL, INC., an)
affiliate of BANK OF AMERICA,)
NATIONAL ASSOCIATION,)
)
Respondent.

ORDER OF THE BOARD (by T.A. Holbrook):

On May 1, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against LaSalle Street Capital, Inc., an affiliate of Bank of America, National Association (respondent). The complaint concerns respondent's facility located at 540 West Madison Street, Chicago, 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 notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorney may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code. 103. In this case, the People allege that respondent violated Sections 9(a) and 39.5(6)(b) of the Act (415 ILCS 5/9(a), 39.5(6)(b) (2010)) and Sections 201.302(a), 254.132(a), and 254.137(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.302(a), 254.132(a), and 254.137(a)) by: 1) operating a Clean Air Act Permit Program (CAAPP) source without a CAAPP permit and, 2) failure to submit annual emission reports. 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 May 1, 2012, the parties 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, the respondent does not affirmatively admit the alleged violation and agrees to pay a civil penalty of \$15,600.00.

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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 17, 2012, by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board