

ILLINOIS POLLUTION CONTROL BOARD
March 22, 2018

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
) PCB 18-68
MID AMERICA TRUCK CORPORATION,) (Enforcement - Air)
an Illinois corporation, d/b/a U.S. TRUCK)
BODY,)
)
Respondent.)

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

On March 7, 2018, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Mid-America Truck Corporation. The complaint concerns Mid-America Truck's property located at 1807 N. Bloomington Street in Streator, La Salle 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.

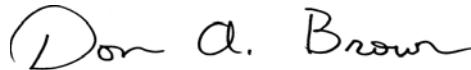
Under the Environmental Protection Act (Act) (415 ILCS 5 (2016)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that Mid-America Truck violated Section 9(a) of the Act (415 ILCS 5/9(a) (2016)), Section 201.302(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.302(a)), and Sections 254.132(a) and 254.137(a) of the Illinois Environmental Protection Agency's air pollution regulations (35 Ill. Adm. Code 254.132(a), 254.137(a)) by failing to timely submit a complete and accurate annual emissions report for calendar year 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 March 7, 2018, simultaneously with the People's complaint, the People and Mid-America Truck 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, the Mid-America Truck Corporation admits the alleged violations and agrees to pay a civil penalty of \$5,000.

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 March 22, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large initial "D" and "B".

Don A. Brown, Clerk
Illinois Pollution Control Board