

ILLINOIS POLLUTION CONTROL BOARD
October 3, 2019

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 20-17
) (Enforcement - Air)
MOR-AGRA GRAIN HANDLING, INC., an)
Illinois corporation,)
)
Respondent.)

ORDER OF THE BOARD (by B. K. Carter):

On September 17, 2019, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Mor-Agra Grain Handling, Inc. (Grain). The complaint concerns Grain’s property located at 102 North State Street, in Poplar Grove, Boone 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 (2018)), 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 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Grain violated:

COUNT I

1. Section 9(a) of the Act, 415 ILCS 5/9(a)(2018),
2. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a) by failing to submit an Annual Emissions Report (“AER”) by May 1 of the year following the calendar year in which the emissions took place as required, and
3. Section 254.132(a) of the Illinois Environmental Protection Agency’s Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a) by failing to submit an AER as required if emission sources at a facility are capable of emitting particulate matter.

COUNT II

Section 31 (a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2018), by violating provisions of the compliance commitment agreement.

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 September 17, 2019, simultaneously with the People's complaint, the People and Grain 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) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), 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, Grain does not affirmatively admit the allegations of violations and agrees to pay a civil penalty of \$500.00.

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) (2018); 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 October 3, 2019, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board