

ILLINOIS POLLUTION CONTROL BOARD
August 13, 2020

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 20-88
)	(Enforcement – Air)
H.B. FULLER COMPANY,)	
a Minnesota corporation, d/b/a)	
Adhesive Systems Inc.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A. Palivos):

On June 2, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against H.B. Fuller Company (Fuller). The complaint concerns Fuller’s cyanoacrylate plant located at 9411 Corsair, Frankfort, Will County (“Corsair Facility”) and its adhesives and sealants manufacturing operation facility located at 9001 West Fey Drive, Frankfort, Will County (“Fey Facility”). The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State’s Attorneys may bring actions before the Board on behalf of the People to enforce Illinois’ environmental requirements. See 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Fuller violated Section 9(a) of the Act (415 ILCS 5/9(a) (2018)), Section 201.302(a) of the Board Air Pollution Regulations (35 Ill. Adm. Code 201.302(a)), and Sections 254.132(a) and 254.137(a) of the Illinois EPA Air Pollution Regulations (35 Ill. Adm. Code 254.132(a) and 254.137(a)) by failing to timely submit a complete and accurate annual emissions report for the Corsair Facility for calendar year 2018 and by failing to timely submit a complete and accurate annual emissions report for the Fey Facility for calendar year 2018.

On June 2, 2020 the People and Fuller 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Herald-News* on June 23, 2020. 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) (2018); 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 Fuller'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) (2018)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Fuller admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2018)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Fuller agrees to pay a civil penalty of \$10,000 within 30 days after the date of this order. The People and Fuller 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. Fuller must pay a civil penalty of \$10,000 no later than September 14, 2020, which is the first business day following the 30th day after the date of this order. Fuller 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, case number, and Fuller's federal employer identification number or federal tax identification number must appear on the face of the certified check or money order.
3. Fuller 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

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

Karen W. Howard
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

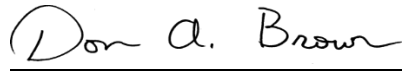
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. Fuller must cease and desist from future violations of the Environmental Protection Act, Board regulations, and Illinois EPA regulations that were the subject of the 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) (2018); *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
Office of the Attorney General Attn: Maria Cacaccio & Karen Howard 69 West Washington Street, Suite 1800 Chicago, IL 60602 khoward@atg.state.il.us mcacaccio@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Faegre Drinker Biddle and Reath LLP Attn: H. Max Kelln 300 N. Meridian Street, Suite 2500 Indianapolis, IN 46204 h.max.kelln@faegredrinker.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 13, 2020, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board