## ILLINOIS POLLUTION CONTROL BOARD March 3, 2016

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCI
	)	(En
FIBERBASIN, INC., an Illinois corporation,	)	
	)	
Respondent.	)	

PCB 16-89 (Enforcement - Air)

## ORDER OF THE BOARD (by J.A. Burke):

On February 29, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Fiberbasin, Inc. (Fiberbasin). The complaint concerns Fiberbasin's business located at 1500 Dearborn Avenue, Building 13, in Aurora, Kane County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties 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 (2014)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that Fiberbasin violated Sections 9(a) and 31(a)(7.6) of the Act (415 ILCS 5/9(a), 31(a)(7.6) (2014)), Section 201.302(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.302(a)), and Section 254.132(a) of the Illinois Environmental Protection Agency's air pollution regulations (35 Ill. Adm. Code 254.132(a)). The People allege that Fiberbasin violated these provisions by failing to timely submit annual emission reports, and violating the terms and conditions of a 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 February 29, 2016, simultaneously with the People's complaint, the People and Fiberbasin 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, Fiberbasin admits to the alleged violations and agrees to pay a civil penalty of \$4,000.

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) (2014); 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, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 3, 2016, by a vote of 5-0.

Don a. Brown

Don A. Brown, Assistant Clerk Illinois Pollution Control Board