



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J KIM, DIRECTOR

866/273-5488 TTY

May 15, 2023

Certified Mail # 7011 1150 0001 0855 5859

Return Receipt Requested

Factor 75 LLC  
Patrick Judge, Owner  
170 Water Street, Suite A  
Batavia, IL 60510

**RE: Violation Notice A-2023-00022**  
**I.D. 089407ARJ**  
**Site: Factor 75 – Aurora, 2372 W. Indian Trail, Aurora**

Dear Mr. Judge:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency (“Illinois EPA”).

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the source wishes to enter into a Compliance Commitment Agreement (“CCA”) pursuant to Section 31(a) of the Act. If the source wishes to enter into a CCA, the written response must also include proposed terms for the CCA that contains dates for achieving each commitment and may also include a statement that compliance has been achieved for some or all of the alleged violations. In order to increase the likelihood of the Illinois EPA accepting such terms, the written response should specifically propose them in a manner that can be formalized into an enforceable agreement between the Illinois EPA and the source. As such, proposed conditions should be as detailed as possible, including steps to be taken to achieve compliance, the manner of compliance, interim and completion dates, etc.

The Illinois EPA will review the proposed terms for a CCA provided by the source and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the source must respond in writing by either agreeing to and signing the proposed CCA or by notifying the Illinois EPA that the source rejects the terms of the proposed CCA.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to the prosecutorial authority.

Written communications should be directed to Jaime Thissen, Illinois EPA, Bureau of Air, Compliance Section, P.O. Box 19276, Springfield, Illinois 62794-9276. All communications must include reference to the Violation Notice number in this matter.

Questions regarding this matter should be directed to Jaime Thissen at 217/785-6309.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kent E. Mohr Jr.", with a stylized flourish at the end.

Kent E. Mohr Jr., Manager  
Compliance Section  
Bureau of Air

KEM:jt

## ATTACHMENT A

Per available information:

### VIOLATIONS:

1. Section 9(b) of the Act and 35 Ill. Adm. Code 201.142: Factor 75 – Aurora may have failed to obtain a construction permit prior to its construction of its natural-gas fired ovens.
2. Section 9.12 of the Act: Factor 75 – Aurora may have failed to pay the appropriate construction permit fees for its natural-gas fired ovens.
3. Section 9(b) of the Act and 35 Ill. Adm. Code 201.143: Factor 75 – Aurora may have failed to obtain an operating permit prior to the operation of its natural gas-fired ovens.
4. Section 9.14 of the Act and 35 Ill. Adm. Code 201.175: Factor 75 - Aurora may have failed to timely register for the Registration of Smaller Sources ("ROSS") program and pay applicable fees for its natural gas-fired ovens.
5. Section 9(a) of the Act and 35 Ill. Adm. Code 201.302 and 254.132(a): Factor 75 - Aurora may have failed to submit a complete and accurate Annual Emissions Report ("AER") to the Illinois EPA for each year a report was required.

### RECOMMENDATIONS:

The Illinois EPA suggests that Factor 75 - Aurora take the following actions to address the violations stated above:

1. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, a complete listing of all emissions units, along with dates of construction, dates of initial operation, and dates of any modifications.
2. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, potential and actual emissions for each criteria pollutant, including hazardous air pollutants, for each emission unit, along with supporting documentation and calculations, for each year of operation.
3. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Permit Section, a complete, true, and accurate operating permit application or ROSS registration which includes all emission units at the facility. The application should

**ATTACHMENT A (continued)**

RECOMMENDATIONS (continued):

address all federal and state rules and regulations that the source is potentially subject to and include all emission units and information relative to any exempt units.

4. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, avoided construction and operating permit fees, and/or ROSS registration fees, as applicable.
5. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, an AER for each year for which one was required.
6. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, a complete, true, and accurate fugitive particulate operating plan designed to significantly reduce fugitive particulate matter emissions.