ILLINOIS POLLUTION CONTROL BOARD October 2, 2003

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ORDER OF THE BOARD (by W.A. Marovitz):

On December 3, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against MII, Inc. (MII). The People allege that MII violated air pollution, permitting, record-keeping, and reporting provisions under the Environmental Protection Act (415 ILCS 5 (2002)) and Board regulations. The complaint concerns MII's shelf manufacturing plant at 500 Capitol Way, Jacksonville, Morgan County.

On September 30, 2003, the People and MII 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)), 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, MII does not admit the alleged violations, except for certain alleged record-keeping violations to which MII admits. MII agrees to pay a civil penalty of \$50,000.

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) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 2, 2003, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board