

Under the proposed stipulation, the MTC neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$50,000. In addition, MTC agrees to pay the avoided permit fees, totaling \$3,000. Finally, the stipulation provides that MTC will undertake a supplemental environmental project (SEP). The SEP requires MTC to ship metal parts to an outside vendor for cleaning with an aqueous solution not involving any solvent or volatile organic compound emissions into the atmosphere. The same cleaning process may be performed by MTC at its facility so long as the cost is not less than that MTC currently spends annually.

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. Metals Technology Corporation (MTC) must pay a civil penalty of \$50,000. MTC must pay an initial payment of \$25,000 no later than October 2, 2004, which is the 30th day after the date of this order. MTC must pay a final payment of \$25,000 within 12 months after the date the Board adopts a final opinion and order approving this stipulation. MTC must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and MTC's social security number or federal employer identification number must be included on the certified check or money order.
3. MTC must pay avoided permit fees in the amount of \$3,000. MTC must pay the fees no later than November 1, 2004, which is the 60th day after the date of this order. MTC must pay the fees by certified check or money order, payable to the CAAPP 091 Fund.
4. MTC must send the certified checks or money orders to:

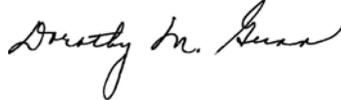
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
5. MTC must undertake and complete a supplemental environmental project as set forth in paragraph VII (7) of the stipulation and proposed settlement.
6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).

7. MTC must cease and desist from the alleged violations.

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) (2000); *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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 2, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board