

ILLINOIS POLLUTION CONTROL BOARD
July 21, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 09-108
)	(Enforcement - Air)
APOLLO PLASTICS CORPORATION,)	
an Indiana corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. K. Zalewski):

On May 12, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Apollo Plastics Corporation (respondent). The complaint concerns respondent's facility for manufacturing automobile dashboard components located at 5333 North Elston Avenue, Chicago, Cook County, Illinois 60630. 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 (2010)),¹ 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 9(a), 9(b), 9.8(b), 39.5(6)(b) of the Act (415 ILCS 5/9(a), 9(b), 9.8(b), 39.5(6)(b) (2010)) and Sections 201.142, 201.143, 205.150(c)(1), 201.302(a), 205.300(b)(1), 205.300(b)(2), 205.310, 218.204(n)(1), 218.211(c), 254.132(a) and 254.137(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.142, 201.143, 205.150(c)(1), 201.302(a), 205.300(b)(1), 205.300(b)(2), 205.310, 218.204(n)(1), 218.211(c), 254.132(b) and 254.137(a)). The People further allege that respondents violated these provisions by failing to obtain requisite permits before construction of emission units, failing to obtain a Clean Air Act Permit Program permit, failing to comply with the Board's volatile organic emission limitations regulation for plastic parts coating, failing to maintain required records, failing to timely submit an Emission Reduction Market System baseline application, failing to submit annual emission reports, failing to submit seasonal emission reports, and failing to hold allotment trading units.

On June 1, 2011, the People and respondent 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), which requires that the public have an opportunity to request a hearing

¹ All citations to the Act will be to the 2010 compiled statutes, unless the provision at issue has been substantively amended in the 2010 compiled statutes.

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 *Chicago Sun Times* on June 23, 2011. 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) (2010); 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 respondent'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) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Respondent does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Respondent agrees to pay a civil penalty of \$30,946. The People and respondent 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. Respondent must pay a civil penalty of \$30,946 according to the following payment schedule: \$15,000 is to be paid no later than August 22, 2011, which is the first business day following the 30th day after the date of this order; \$10,000 is to be paid by January 23, 2012; and the remaining \$5,946 is to be by October 22, 2012. Respondent 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 respondent's federal tax identification number must appear on the face of each certified check or money order.
3. Respondent 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

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

AAG George Theophilos
Environmental Bureau
Illinois Attorney General's Office
69 West 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) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. Respondent must cease and desist from future violations of the Environmental Protection Act and Board 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) (2010); *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, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 21, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board