ILLINOIS POLLUTION CONTROL BOARD December 20, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB
)	(Enf
FIC AMERICA CORPORATION, an Illinois)	
corporation,)	
)	
Respondent.)	

PCB 02-71 (Enforcement – Water)

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On December 6, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against FIC America Corporation (FIC). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that FIC violated Sections 12(a), (b), (c), and (h) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (b), (c), (h) (2000)), and Sections 307.4301(b)(1), 307.4301(b)(2) and 309.202(c) of the Board's regulations (35 Ill. Adm. Code 307.4301(b)(1), 307.4301(b)(2), 309.202(c)).

The People further allege that FIC violated these provisions by: (1) allowing discharges in excess of its permit limits, which caused or tended to cause water pollution; (2) allowing discharges with contaminant levels in violation of the federal pretreatment standards for metal finishing point sources, as well as failing to timely report the violations to Carol Stream; (3) allowing discharges of contaminants to occur in concentrations greater than allowed by its discharge permit; and (4) constructing its wastewater pretreatment system prior to obtaining a construction permit from the Illinois Environmental Protection Agency for the system. The complaint concerns FIC's metal finishing facility located at 485 East Lies Road in Carol Stream, DuPage County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if FIC fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider FIC to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 20, 2001, by a vote of 7-0.

Dorothy Mr. Gur

Dorothy M. Gunn, Clerk Illinois Pollution Control Board