## ILLINOIS POLLUTION CONTROL BOARD February 15, 2001

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
v.	)	PCB 00-199
	)	(Enforcement – Air)
DASSINGER HARD CHROME, INC.,	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by M. McFawn):

On May 23, 2000, the People of the State of Illinois (People) filed a complaint against respondent Dassinger Hard Chrome, Inc. (Dassinger). The complaint alleges Dassinger failed to timely demonstrate compliance with the National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (Chromium NESHAP) at its Rosemont facility in Cook County. These activities were in alleged violation of Section 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d)(1998)), and 40 C.F.R. 63,243 and 63,343.

On January 16, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Chicago Sun Times* on January 19, 2001. The Board did not receive any requests for hearing. Accordingly, the Board grants the waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Dassinger admits to the violations alleged by the People, and agrees to pay a civil penalty of \$2,500 in five \$500 monthly installments.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Dassinger must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

## **ORDER**

- 1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Dassinger Hard Chrome, Inc. (Dassinger). The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
- 2. Dassinger must pay a civil penalty of \$2,500 by making five \$500 monthly installments. Dassinger must make any payments under this order by certified check or money order payable to the Illinois Environmental Protection Agency, for deposit in the Environmental Protection Trust Fund. The case number, case name, and Dassinger's Federal Employer Identification number 36-3040332 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund. Dassinger must make the first payment no later than March 19, 2001. Dassinger must make the third payment no later than May 16, 2001. Dassinger must make the fourth payment no later than June 15, 2001. Dassinger must make the fifth and final payment no later than July 16, 2001.
- 3. The check or money orders must be sent by first class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

Office of the Attorney General Zemeheret Bereket-Ab Assistant Attorney General Environmental Bureau 188 West Randolph Street, 20<sup>th</sup> Fl. Chicago, Illinois 60601

- 4. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
- 5. Where partial payment is made on any payment amount that is due, such partial

payment shall first be applied to any interest on unpaid amounts then owing.

- 6. In the event Dassinger defaults on any portion of this agreed penalty, the remaining unpaid balance of the penalty plus any accrued interest shall be due and owing within five days of such a default.
- 7. Dassinger must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

## IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 15th day of February 2001 by a vote of 7-0.

Dorothy M. Gunn, Clerk Illinois Pollution Control Board