ILLINOIS POLLUTION CONTROL BOARD January 10, 2002

PCB 02-80	
(Enforcement – Air)	

ORDER OF THE BOARD (by C.A. Manning):

On December 18, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Caterpillar, Inc. (Caterpillar). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Caterpillar violated Sections 9(b) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(b), 9.1(d) (2000)), and various air emission regulations. The People further allege that Caterpillar violated these provisions in its operation of a boiler, two diesel generators, three underground storage tanks, one above ground gasoline tank, one bulk paint storage tank, and one diesel fuel tank. The complaint concerns Caterpillar's facility that manufactures heavy machinery and machinery components. The facility is located at 600 West Washington, East Peoria, Tazewell County.

Additionally, on December 18, 2001, the People and Caterpillar 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Caterpillar neither admits nor denies the alleged violations, but would pay a \$20,000 penalty.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board 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 January 10, 2002, by a vote of 6-0.

Dorothy M. Gunn, Clerk Illinois Pollution Control Board