

ILLINOIS POLLUTION CONTROL BOARD
August 10, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 00-178
) (Enforcement - Air)
TOM FATO d/b/a FATO FIBERGLASS,)
)
Respondent.)
)

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

On July 13, 2000, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 9(a) and 9(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b) (1998)), and the Board's regulations found at 35 Ill. Adm. Code 201.142 and 201.143, by constructing and operating emission sources without a permit, and causing, threatening or allowing air pollution.

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 *Daily Journal* on July 16, 2000. The Board has not received any requests for hearing. Accordingly, the Board grants a 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. Respondent admits to constructing and operating an emissions source as outlined in count one and two of the stipulation and proposal for settlement. Respondent neither admits nor denies the third count of air pollution and agrees to pay a civil penalty of \$3,500. Respondent 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 Tom Fato d/b/a Fato Fiberglass, concerning its facility located at 462 S. 500 W. Road, Kankakee, Kankakee County, Illinois. Respondent manufactures custom tanks and various molded fiberglass products at the above location. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$3,500 in two payments of \$1,750. The first payment is due on or before October 23, 2000; the final payment shall be due on or before November 22, 2000. Such payment shall be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent's social security number, 340-40-6197, shall also be included on the check or money order and should clearly indicate that payment is to be made to the Environmental Protection Trust Fund.
3. The check or money order shall 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 or money order shall be simultaneously submitted to:

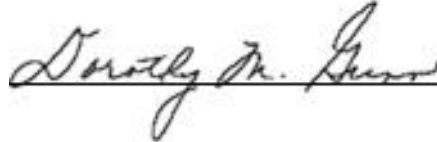
Kelly Cartwright
Assistant Attorney General
Illinois Attorney General's Office
Environmental Bureau
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601

4. Any such penalty not paid within the time prescribed shall incur 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 shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondent shall cease and desist all future 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 101.246, 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 10th day of August 2000 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board