

ILLINOIS POLLUTION CONTROL BOARD

October 5, 2000

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 01-41
	)	(Enforcement - Air)
SOMMER PRODUCTS COMPANY, INC., an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

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

On August 28, 2000, the People of the State of Illinois (People) filed a one-count complaint against respondent Sommer Products Company, Inc. (Sommer). The complaint alleges that Sommer failed to conduct an initial performance test for chromium emissions at its facility at 7100 South Adams, Peoria, Peoria County, Illinois, in violation of Section 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d) (1998)) and Section 63.343(b) of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. § 63.343 (1998)).

In addition to the complaint, on August 28, 2000, the parties also filed a joint 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 Journal Star* on August 31, 2000. The Board did not receive 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. Sommer admits to the violations alleged by the People and agrees to pay a civil penalty of \$7,500.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Sommer 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 Sommer Products Company, Inc. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$7,500. Payments shall begin within 30 days of the date of this order, that is, on or before November 5, 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 Sommer's federal employer identification number 37-0460383 shall also be included on the certified check or money order and should clearly indicate that payment is directed 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 shall be simultaneously submitted to:

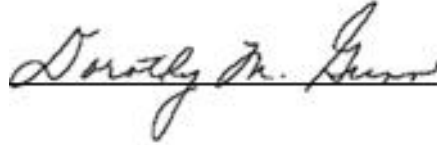
Office of the Attorney General  
Donna Lutes, Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

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. Sommer shall 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 101.246, 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 5th day of October 2000 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board