

ILLINOIS POLLUTION CONTROL BOARD

October 5, 2000

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 97-101
	)	(Enforcement - Air)
LOUIS BERKMAN COMPANY, an Iowa corporation,	)	
	)	
Respondent.	)	
	)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On December 11, 1996, the People of the State of Illinois filed a four-count complaint against respondent Louis Berkman Company (Berkman) regarding its Swenson Spreader facility at 127 East Walnut Street, Lindenwood, Ogle County, Illinois. The complaint alleges that Berkman failed to comply with volatile organic material emission limitations, caused air pollution, failed to obtain permits, and failed to timely submit annual emission reports, in violation of Sections 9(a) and 9(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b) (1998)) and Sections 201.141, 201.143, 201.302, and 215.204(j) of the Board's air pollution regulations (35 Ill. Adm. Code 201.141, 201.143, 201.302, 215.204(j)).

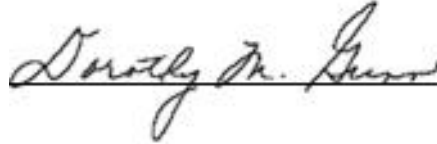
On September 29, 2000, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). In the proposed stipulation Berkman admits the allegations contained in the complaint. Berkman proposes to pay a \$50,000 penalty.

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. (415 ILCS 5/31(c)(2) (1998)). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of October 2000 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board