

ILLINOIS POLLUTION CONTROL BOARD  
February 18, 1999

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 99-100  
) (Enforcement - Air)  
HINZ LITHOGRAPHING COMPANY )  
an Illinois corporation, )  
)  
Respondent. )

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

On January 8, 1999, the parties filed a complaint accompanied by 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 the respondent violated Sections 9(a) and 9(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b) (1996)) and 35 Ill. Adm. Code 201.143, 218.411(a)(1), and 201.302(a), by operating a new emission source and air pollution control equipment without a permit, failing to submit required certification, and failing to timely submit annual emission reports.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), 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 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. The respondent admits the alleged violations and agrees to pay a civil penalty of \$5,000. 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 Hinz Lithographing Company, an Illinois corporation, located at 1750 West Central Road, Mount Prospect, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

2. The respondent shall pay the total sum of \$5,000. Payment shall be made pursuant to the following schedule:
  - a. \$3,000 within 30 days from the date of this final Board order approving the parties' stipulation and proposal for settlement. The \$3,000 shall be paid in two checks or money orders. One shall be in the amount of \$300 and shall be designated for payment into the Environmental Protection Permit and Inspection Fund. The second check or money order shall be in the amount of \$2,700 and designated to the Environmental Protection Trust Fund; and
  - b. Ninety days after the entry of this final order, respondent shall pay a second \$1,000. The final installment payment of 1,000 shall be due 120 days after the due date of this order. Both certified checks or money orders shall be made payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent's federal employer identification number 36-4002725 shall also be included on the checks (or money orders).

3. The checks (or money orders) 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:

Ms. Johnna J. Potthoff  
Assistant Attorney General  
Environmental Bureau  
Attorney General's Office  
100 West Randolph Street, 11th Floor  
Chicago, Illinois 60601

4. If a payment is received by the Illinois Environmental Protection Agency more than five days after the payment schedule contained herein, all remaining payments shall be accelerated and shall be immediately due and owing from respondent as of the date of the late or missed payment.

5. 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), 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. For the purpose of collection, respondent may be reached at the following address:

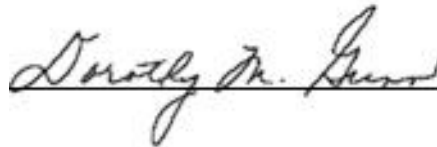
Mr. Lloyd Shin  
President  
Hinz Lithographing Company  
1750 West Central Road  
Mount Prospect, Illinois 60056

6. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 establish such filing requirements. See 172 Ill. 2d R. 335; see also 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 18th day of February 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board