

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1999

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-46
)	(Enforcement - Air)
PPG INDUSTRIES, INC.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by M. McFawn):

On September 17, 1999, complainant filed a stipulation and proposal for settlement, accompanied by an agreed motion requesting relief from the hearing requirement imposed by Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)). Public notice of the proposed settlement was published in the Decatur *Herald & Review* on September 22, 1999, and in the *Antioch Review*, *Grayslake Review*, *Gurnee Review*, and *Review of Lindenhurst/Lake Villa* on September 23, 1999.¹ In accordance with Section 31(c)(2) of the Act, any person may file a written demand for hearing within 21 days after publication of the notice. The Board received no written demand for a hearing. The Board therefore may, and will, grant the agreed motion for relief from the hearing requirement.

The three-count complaint filed in this case alleges that respondent PPG Industries, Inc. (PPG) (1) violated Section 9(a) of the Act (415 ILCS 5/9(a) (1998)) and 35 Ill. Adm. Code 201.141 by causing, threatening or allowing emission of NO_x and SO₂ so as to cause or tend to cause air pollution (count I), (2) violated Section 165 of the Clean Air Act, 42 U.S.C. § 165 *et seq.* (1990), 40 C.F.R. 52.21(j), and Sections 9(b) and 9.1(d)(1) and (2) of the Act (415 ILCS 5/9(b), 9.1(d)(1), 9.1(d)(2) (1998)) by emitting NO_x and SO₂ in excess of permit limits (count II), and (3) violated a prior Board order directing PPG to cease and desist from statutory and regulatory violations (count III). Under the proposed settlement, PPG neither admits nor denies the allegations in the complaint, but agrees to pay a civil penalty of \$15,000.

The stipulation submitted by the parties sets forth facts relating to PPG's operations, the alleged violations, and the factors considered by the Board under Sections 33(c) and 42(h) of the Act, 415 ILCS 5/33(c), 42(h) (1998) in crafting final orders and determining monetary penalties. Based on the facts set forth in the stipulation, the Board concludes that the proposed settlement is reasonable. The Board will accept the proposal for settlement.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The hearing requirement of Section 31(c)(1) of the Act is waived in this case.
2. The Board accepts the "Stipulation and Proposal for Settlement" executed by the People of the State of Illinois and PPG concerning PPG's facilities located in Mt. Zion, Macon County, Illinois, and Gurnee, Lake County, Illinois. The "Stipulation and Proposal for Settlement" is incorporated

¹ This enforcement action involved two facilities, one located in Macon County and one located in Lake County. Notice was published in both counties.

by reference as though fully set forth herein. Although not every term of the settlement is set forth in this order, all terms of the settlement are incorporated into this order.

3. PPG must pay \$15,000 within 30 days of the date of this order. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The name and number of this case and PPG's federal employer identification number must appear on the check.
4. The certified check or money order must be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the check must be sent to:

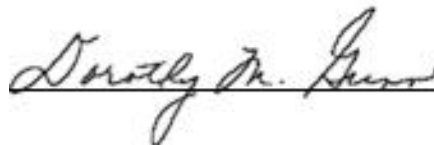
Donna Lutes
Illinois Attorney General's Office
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

5. Any penalty not paid within the time prescribed will incur interest at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a) (1998), as now or hereafter amended, from the date payment is due until the date payment is received. Interest will not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
6. PPG must comply with the corrective action and preventive maintenance program outlined in PPG's letter to the Illinois Environmental Protection Agency dated September 25, 1998, and amended in PPG's letter to the Illinois Environmental Protection Agency dated November 30, 1998.
7. PPG must cease and desist from future violations of any environmental statutes or 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 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 21st day of October 1999 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board