

ILLINOIS POLLUTION CONTROL BOARD
January 23, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 03-100
) (Enforcement - Air)
NATIONAL CONTAINER SERVICES)
CORPORATION, an Illinois corporation,)
)
Respondent.)

ORDER OF THE BOARD (by T.E. Johnson):

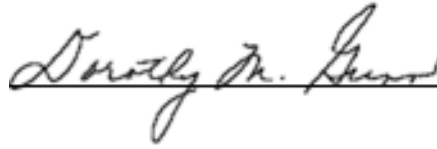
On January 13, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against National Container Services Corporation (National Container). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that National Container violated Sections 9(b), 39.5(6)(b), and 39.5(5)(x) of the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2002)). The People further allege that National Container violated these provisions by exceeding the combined and single hazardous air pollutants annual emission limits of its operating permit. In addition, the People allege that National Container failed to timely submit a Clean Air Act Permit Program permit application. The complaint concerns National Container's plastic drum and container reconditioning facility at 3620 West 38th Street, Chicago, Cook County.

Also on January 13, 2003, the People and National Container filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the National Container does not admit the alleged violation but agrees to pay a civil penalty of \$40,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 23, 2003, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board