ILLINOIS POLLUTION CONTROL BOARD January 23, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
Complaniant,)	
v.)	PCB 03-101
WERNER CO., a Pennsylvania corporation,)	(Enforcement - Air)
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 Werner Co. (Werner). *See* 415 ILCS 5/31(c)(1) (2002), eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that Werner violated Section 9(a) and 9(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b) (2002)) as well as Sections 201.141, 201.142, 201.143, and 218.986 of the administrative code (35 Ill. Adm. Code 201.141, 201.142, 201.143, 218.986).

The complaint contains three counts. First, the People allege that Werner violated these provisions by failing to obtain an Illinois Environmental Protection Agency (Agency) or United States Environmental Protection Agency approved alternative control plan for its facility. Second, the People allege that Werner constructed emission sources or air pollution control equipment without a permit. Finally, the People allege Werner operated emission sources or new air pollution control equipment without an operating permit. The complaint concerns Werner's extrusion, fabricating, and manufacturing facility at 10800 West Belmont Avenue, Franklin Park, Cook County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). Werner must file an answer to the People's complaint within 60 days after receipt of the complaint. Generally, if Werner fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Werner to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

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.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board