ILLINOIS POLLUTION CONTROL BOARD October 16, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 02-213 (Enforcement - Air)
ACTION ATHLETIC, INC., an Illinois corporation,)	(Emoreement - 741)
Respondent.)	

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

On May 31, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Action Athletic, Inc. (Action Athletic). *See* 415 ILCS 5/31(c)(1) (2002), *amended by* P.A. 93-152, eff. July 10, 2003; 35 Ill. Adm. Code 103.204. The People allege that Action Athletic violated Sections 9(a), 9(b), 9.8(b), and 39.5(b)(6) of the Environmental Protection Act (Act). 415 ILCS 5/9(a), 9(b), 9.8(b), and 39.5(b)(6) (2002). The People further allege that Action Athletic violated these provisions by emitting volatile organic material (VOM) from its facility into the environment during the process of manufacturing wrestling pads. The complaint concerns Action Athletic's sports equipment manufacturing facility located at 3144 21st St. in Zion, Lake County.

On October 3, 2003, the People and Action Athletic 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) *amended by* P.A. 93-152, eff. July 10, 2003). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002), *amended by* P.A. 93-152, eff. July 10, 2003). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Action Athletic neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$28,000.

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), *amended by* P.A. 93-152, eff. July 10, 2003; 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 October 16, 2003, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board