ILLINOIS POLLUTION CONTROL BOARD December 18, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.	PCB 02-162 (UST Enforcement)
FOX VALLEY DRY WALL, INC., an Illinois)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by J.P. Novak):

On April 2, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Fox Valley Dry Wall, Inc. (Fox Valley Dry Wall). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Fox Valley Dry Wall violated Sections 57.6 and 57.7(b) of the Environmental Protection Act (Act) (415 ILCS 5/57.6 and 57.7(b) (2002)) and 35 Ill. Adm. Code 732.100(c), 732.202, 732.300(a), and 732.307(b). The People further allege that Fox Valley Dry Wall violated these provisions by failing to timely perform site classification and early action requirements following a release of petroleum from a leaking underground storage tank. The complaint concerns Fox Valley Dry Wall's manufacturing facility at 707 North Highland, Aurora, Kane County.

On December 5, 2003, the People and Fox Valley Dry Wall 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). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. Under the proposed stipulation, the Fox Valley Dry Wall admits the alleged violation(s) and agrees to pay a civil penalty of \$8,000 and costs and fees in the amount of \$2,000.

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) (2000); 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 December $18,\,2003$, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board