

ILLINOIS POLLUTION CONTROL BOARD
May 20, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-194
)	(Enforcement - Water)
DUR-O-WAL, INC.,)	
)	
Respondent.)	

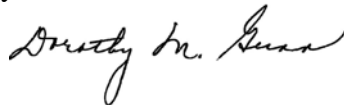
ORDER OF THE BOARD (by N.J. Melas):

On May 6, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Dur-O-Wal, Inc. (Dur-O-Wal) *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Dur-O-Wal violated Sections 12(a), (b), and (f) of the Environmental Protection Act and Sections 304.105, 304.141(b), and 309.102(a) of the Board's water quality regulations. The People further allege that Dur-O-Wal violated these provisions by discharging contaminants into a storm sewer without a National Pollutant Discharge Elimination System (NPDES) permit and for discharging contaminants in violation of its existing NPDES permit. The complaint concerns Dur-O-Wal's wire drawing, fabrication, and zinc galvanizing facility located at 625 Crain Street, Aurora, Kane County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Dur-O-Wal 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 Dur-O-Wal 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 May 20, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board