

ILLINOIS POLLUTION CONTROL BOARD
August 19, 2004

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
) PCB 05-26
CFM U.S. CORPORATION f/k/a THE) (Enforcement - Air)
VERMONT CASTINGS MAJESTIC)
PRODUCTS COMPANY, a Delaware)
corporation,)
)
Respondent.)

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

On August 9, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against CFM U.S. Corporation. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that CFM U.S. Corporation violated Section 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) (2002)) and 35 Ill. Adm. Code 201.142, 201.302(a), 212.309(a), 218.204(j)(2)(B), and 218.211(b)(2) and (c)(2); and special conditions 7(a)(i) through (a)(v) of lifetime operating permit no. 98040098.

The People further allege that CFM U.S. Corporation violated these provisions by (1) failing to submit an operating program for fugitive particulate matter emissions; (2) failing to certify exemption from the wood furniture coating regulations; (3) failing to submit complete annual emissions reports; (4) constructing an air pollutant emission source without a permit; (5) failing to submit an operating program for fugitive particulate emissions; (6) using non-compliant coatings; (7) failing to maintain operating records; and (8) failing to submit complete annual emissions reports. The complaint concerns CFM U.S. Corporation's fireplace screen and door assembly and coated wood fireplace mantle manufacturing facility at two adjacent properties at 7500 North St. Louis Avenue and 3501 West Howard Street, in Skokie, Cook County.

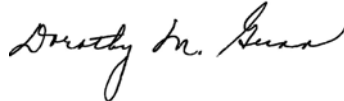
On August 9, 2004, the People and CFM U.S. Corporation also filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the CFM U.S. Corporation neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$46,000.

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 August 19, 2004, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board