

ILLINOIS POLLUTION CONTROL BOARD
December 16, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-136
)	(Enforcement - Air)
CROMWELL-PHOENIX, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

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

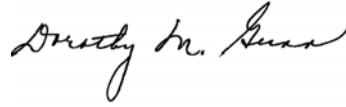
On February 5, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Cromwell-Phoenix, Inc. (Cromwell). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Cromwell violated Sections 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b) (2002)), and Sections 201.141, 201.142, 201.143, and 218.204 of the Board's air pollution regulations (35 Ill. Adm. Code 201.141, 201.142, 201.143, and 218.204). The People further allege that Cromwell violated these provisions by causing, threatening or allowing air pollution, constructing an air pollution source without a permit, operating an air pollution source without an operating permit, exceeding emissions limits for a coating line, and failing to demonstrate compliance with emissions limits for a coating line. The complaint concerns Cromwell's corrosion inhibiting paper-coating facility at 12701 South Ridgeway Avenue, Alsip, Cook County.

On December 6, 2004, the People and Cromwell 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, Cromwell neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$60,000. The settlement does not include a supplemental environmental project.

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); 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 16, 2004, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board