

ILLINOIS POLLUTION CONTROL BOARD
April 21, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 04-178
NED MANDICH d/b/a H.B.M.)	(Enforcement - Air)
ELECTROCHEMICAL COMPANY,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On April 8, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against the Ned Mandich d/b/a H.B.M. Electrochemical Company (respondent). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that respondent violated Sections 9(b) and 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9(b) and 9.1(d)(1) (2002)), 40 C.F.R. § 63.343(c)(1)(ii), 63.342(c)(1)(i), and 63.347(h), and 35 Ill. Adm. Code 201.143. The People further allege that respondent violated these provisions by operating a hard chromium electroplating facility capable of emitting or emitting contaminants into the air. The complaint concerns respondent's facility located at 2800 Bernice Road, Lansing, Cook County.

On February 23, 2005, the People and respondent 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. The newspaper notice was published in the *Daily Southtown* on February 25, 2005. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of respondent's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and respondent have satisfied Section 103.302. Respondent admits the alleged violations and agrees to pay a civil penalty of \$15,100. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Ned Mandich d/b/a H.B.M. Electrochemical Company (respondent) must pay a civil penalty of \$15,100 no later than April 28, 2005. Respondent must pay the civil penalty by certified check, money order, or electronic transfer. The case number, case name, and respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. Respondent must pay \$15,000 of the civil penalty payable to the Illinois EPA and designated to the Illinois Environmental Protection Trust Fund. Respondent must send the certified check or money order for \$15,000 to:

Illinois Environmental Protection Trust Fund
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Respondent must pay \$100 of the civil penalty payable to the Illinois EPA and designated to the Illinois Environmental Permit and Inspection Fund. Respondent must send the certified check or money order for \$100 to:

Illinois Environmental Permit and Inspection Fund
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

5. A copy of the certified check, money order, or electronic funds transfer and any transmittal letter shall be sent to:

Ms. Bridget M. Carlson
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Il. 60601

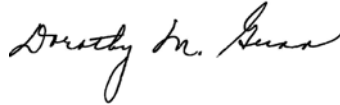
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).

5. Respondent must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 21, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board