

ILLINOIS POLLUTION CONTROL BOARD

June 2, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 03-222
	)	(Enforcement - Air)
MECALUX ILLINOIS, INC.,	)	
	)	
Respondent.	)	
	)	

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

On June 6, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Mecalux Illinois, Inc. (Mecalux). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Mecalux violated Section 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) (2002)) and Sections 201.141, 201.142, and 218.204 of the Board's regulations. On October 28, 2004, the People filed a four-count amended complaint. The amended complaint adds two additional counts alleging that Mecalux violated conditions of Mecalux's permits and Section 9(b) of the Act (415 ILCS 5/9(b) (2002)).

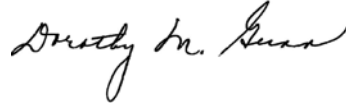
The People allege that Mecalux violated these permit conditions and provisions of the Act and Board regulations by using 537 gallons of a coating that exceeded the maximum allowable volatile organic material (VOM) content and by commencing construction of two coating lines without a permit. The complaint concerns Mecalux's metal storage system manufacturing and coating facility at 1600 North 25th Avenue, Melrose Park, Cook County.

On May 26, 2005, the People and Mecalux 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, Mecalux neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$45,000.

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) (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 June 2, 2005.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board