ILLINOIS POLLUTION CONTROL BOARD June 16, 2005

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)	PCB 04-194
)	(Enforcement - Water)
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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 (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 by 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.

On May 31, 2005, the People and Dur-O-Wal 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 III. Adm. Code 103.300(a). Under the proposed stipulation, Dur-O-Wal neither admits nor denies the alleged violation(s) and agrees to pay a civil penalty of \$30,000.

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 16, 2005, by a vote of 5-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board