## ILLINOIS POLLUTION CONTROL BOARD July 7, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
Compraniant,	)	
v.	)	PCB 04-205
	)	(Enforcement – Air, Water)
ALL STATES PAINTING, INC.,	)	
	)	
Respondent.	)	

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

On May 21, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a 4-count complaint against All States Painting, Inc. (All States). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that All States violated Sections 9(a) and 12(a) and (d) of the Environmental Protection Act (Act), Section 201.141 of the Board's air pollution regulations, and Section 302.203 of the Board's water pollution regulations. The People further allege that All States violated these provisions as a result of a bridge painting project over the Illinois River during the summer of 2002. The project included applications of a gray zinc-based rust proof primer, a white epoxy intermediate primer, and a blue oil-based, polyurethane finish coat. All States owned and operated a corporation located in Alexander, Morgan County.

On July 1, 2005, the People and All States 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, All States neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$19,000.

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) (2004); 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 July 7, 2005, by a vote of 4-0.

Dretty Mr. Sunn

Dorothy M. Gunn, Clerk Illinois Pollution Control Board