

ILLINOIS POLLUTION CONTROL BOARD
August 4, 2005

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 05-149
) (Enforcement - Air)
 TRUSERV CORPORATION, a Delaware)
 corporation d/b/a TRUE VALUE)
 MANUFACTURING COMPANY,)
)
 Respondent.)

ORDER OF THE BOARD (by A.S. Moore):

On February 8, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Truserv Corporation d/b/a True Value Manufacturing Company (Truserv). Truserv owns and operates a paint manufacturing facility located at 823 West Blackhawk, in Chicago, Cook County. The People's complaint concerns alleged air emissions from Truserv's facility. The parties now seek to settle without a public hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

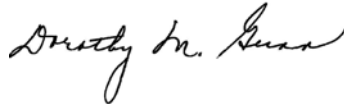
Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Truserv violated Sections 9(a) and (b) of the Act (415 ILCS 5/9(a) and (b) (2004)); 35 Ill. Adm. Code 201.302(a), 218.624, 218.625(a) and (b), 218.628, and 218.630(a); and Sections 9, 10(a) and (b), 12, and 13(a) of Truserv's Federally Enforceable State Operating Permit (FESOP). According to the complaint, Truserv caused or allowed these violations by (1) failing to cover paint mixing and thinning tanks; (2) failing to cover grinding mills; (3) failing to maintain records about equipment leaks and failing to repair leaks within 15 days; (4) failing to enclose equipment during cleaning; and (5) failing to submit accurate annual emissions reports.

On July 29, 2005, the People and Truserv 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)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Truserv neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$30,000, which the parties agree is "as great or greater than the economic benefit that [Truserv] achieved during the period of noncompliance." Stipulation at 8.

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. *See* 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 August 4, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board