

ILLINOIS POLLUTION CONTROL BOARD

October 6, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-95
)	(Enforcement - Air)
WIENMAR, INC., an Illinois corporation,)	
)	
Respondent.)	

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

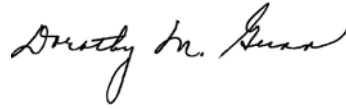
On November 16, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Wienmar, Inc. (Wienmar). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Wienmar violated Section 9(a) and (b), 9.1(d)(1), 9.8(b), and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b), 9.1(d)(1), 9.8(b), and 39.5(6)(b) (2004)); 35 Ill. Adm. Code 201.302(a), 203.201, 205.310(a)(3), 254.132(a), 254.137(a), and 270.301(b); and 42 U.S.C. 7412(g)(2)(B). The People further allege that Wienmar violated these provisions by (1) operating a major stationary source without a Clean Air Act Operating Permit Program permit; (2) failing to comply with new source review requirements; (3) failing to obtain a maximum achievable control technology determination; (4) failing to comply with Emission Reduction Market System requirements; (5) violating construction and operating permit conditions and related regulatory requirements; and (6) failing to timely submit annual emissions reports. The complaint concerns Wienmar's molded resin products manufacturing facility at 1601 La Fox, South Elgin, Kane County.

On September 19, 2005, the People and Wienmar 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, Wienmar neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$55,000.

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) (2000); 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 October 6, 2005, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board