

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Intermatic's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Intermatic have satisfied Section 103.302. Intermatic neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$30,957. In addition to the civil penalty, Intermatic agrees to undertake a supplemental environmental project (SEP). Intermatic has agreed to reduce its penalty demand of \$90,000, or 70%, exclusive of alleged economic benefit of noncompliance, in recognition of the performance of the SEP.

Pursuant to the stipulation and proposed settlement, Intermatic must replace the halogenated solvent trichloroethylene degreaser it currently uses with the non-halogenated solvent, Durr Universal Model 81C. According to the stipulation and proposed settlement, the SEP will significantly reduce the volatile organic material (VOM) and hazardous air pollutant emissions from the facility. Intermatic estimates the reduction in VOM emissions of at least nine tons per year. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Intermatic Incorporated (Intermatic) must pay a civil penalty of \$30,957 no later than December 2, 2005, which is the 14th day after the date of this order. Intermatic must pay the civil penalty by certified check, money order, or electronic funds payable to Environmental Protection Trust Fund. The case number, case name, and Intermatic's social security number or federal employer identification number must be included on the certified check or money order.
3. Intermatic must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Intermatic must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to:

Christopher P. Perzan
Assistant Attorney General
Environmental Bureau

188 W. Randolph Street, 20th Floor
Chicago, Illinois 60601

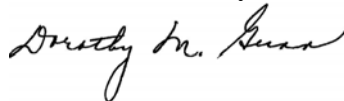
Maureen Wozniak
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 60294-9276

4. Intermatic must begin implementation of the supplemental environmental project, in accordance with the stipulation and proposed settlement, on or before December 2, 2005, which is the 14th day after the date of this order.
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
6. Intermatic must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 17, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board