

ILLINOIS POLLUTION CONTROL BOARD
February 16, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-201
)	(Enforcement – Air)
ILLINOIS TOOL WORKS, INC., a Delaware)	
corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On May 31, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Illinois Tool Works, Inc., a Delaware Corporation (Illinois Tool). The alleged violations occurred at Illinois Tool’s injection molding facility located at 195 Algonquin Road, Des Plaines, in Cook County. The Board accepted the complaint for hearing on June 16, 2005.

In the complaint, the People allege that Illinois Tool violated Sections 9(a) and (b), and 39.5(6) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b), and 39.5(6) (2004)); and 35 Ill. Adm. Code 201.142, 201.143, 201.302(a), 254.137(a), and 254.132(a) by constructing air emissions sources without a permit, failing to obtain operating permits for new emission sources, failing to submit timely annual emission reports, and by failing to obtain a clean air act permit program permit.

On January 9, 2006, the People and Illinois Tool 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). These filings are 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, Illinois Tool does not admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$17,500.

The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Des Plaines Journal* on January 13, 2006. The Board did not receive any requests for hearing. The Board grants the parties’ request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

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 the respondents’ 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)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

As previously stated, Illinois Tool does not admit the violations alleged in the complaint, but agrees to pay a civil penalty. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004)), *as amended by P.A. 93-575*, (eff. Jan. 1, 2004), which may mitigate or aggravate the civil penalty amount. The People determined that a civil penalty of \$17,500 was appropriate.

The People and Illinois Tool have satisfied Section 103.302. 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. Illinois Tool Works, Inc., a Delaware Corporation (Illinois Tool) must pay a civil penalty of \$17,500 within 30 days from the date of this order.
3. Illinois Tool must pay the civil penalty by certified check, money order or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and Illinois Tool's federal employer identification or social security numbers must be included on the certified check or money order. If submitting an electronic funds transfer to the Agency, the electronic funds transfer must be made in accordance to the specific instructions provided to Illinois Tool.
4. Illinois Tool must submit the certified check, money order or electronic funds transfer to:

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

5. A copy of the certified check, money order or record of the electronic funds transfer and any transmittal letter must be sent to the following:

Ms. Jennifer A. Tomas
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Floor

Chicago, Illinois 60601

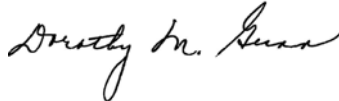
Ms. Maureen Wozniak
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

6. 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).
7. The Agency will accept Illinois Tool's potential to emit (PTE) calculations, submitted to the Office of the Illinois Attorney General by letter dated February 17, 2005, as a true and accurate representation of Illinois Tool's Fastex facility PTE for the purposes of this stipulation and proposal for settlement only.
8. Illinois Tool 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 February 16, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board