

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB No. 05-56
) (Enforcement - Air)
)
 OMRON AUTOMOTIVE ELECTRONICS,)
 INC, a Delaware corporation,)
)
 Respondent.)

NOTICE OF FILING

TO: See Attached Service List
(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirement, copies of which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY: Jennifer A. Tomas
 Jennifer A. Tomas
 Assistant Attorney General
 Environmental Bureau
 188 W. Randolph St., 20th Floor
 Chicago, Illinois 60601
 312-814-0609

DATE: May 26, 2006

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Service List

Richard Saines
Baker & McKenzie
One Prudential Plaza
130 E. Randolph Street, Suite 3500
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Complainant,)	
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v.)	PCB No. 05-56
)	(Enforcement - Air)
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OMRON AUTOMOTIVE ELECTRONICS,)	
INC, a Delaware corporation,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2)(2004), moves that the Illinois Pollution Control Board ("Board") grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1)(2004). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 9(b) and 39.5(6)(b) of the Act, 415 ILCS 5/9(b) and 39.5(6)(b)(2004), Sections 201.142 and 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142 and 201.143, and Conditions 3, 5, 7, and 9 of Lifetime Operating Permit No. 95100061.

2. Complainant is filing this Motion and a Stipulation and Proposal for Settlement with the Board.

3. The parties have reached agreement on all outstanding issues in this matter.

4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2)(2004).

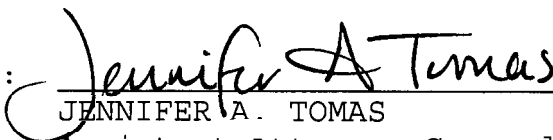
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1)(2004).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY:



JENNIFER A. TOMAS

Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-0609

DATE: May 26, 2006.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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v.)	PCB No. 05-56
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OMRON AUTOMOTIVE ELECTRONICS,)	
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)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Omron Automotive Electronics, Inc., a Delaware corporation ("Respondent"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the claims asserted

in the Complaint except as otherwise provided herein.. If the Board approves and enters this Stipulation, Respondent agrees to be bound by the Stipulation and Board Order and not to contest their validity in any subsequent proceeding to implement or enforce their terms.

I. JURISDICTION

The Board has jurisdiction of the subject matter herein'and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2004).

II. AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

III. STATEMENT OF FACTS

A. Parties

1. On September 21, 2004, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General 'of the State of Illinois, on her own motion and upon the

request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2004), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2004).

3. At all times relevant to the Complaint, Respondent was and is a Delaware corporation that is authorized to transact business in the State of Illinois.

B. Site Description

1. At all times relevant to the Complaint, Respondent owned and operated a relay and electronic control unit manufacturing facility located at 3709 Ohio Avenue, St. Charles, Kane County, Illinois ("Site").

2. At this facility, Respondent assembles relays and populates printed circuit boards, and assembles completed boards into finished electronic components. The assembly process involves regulated emissions of volatile organic materials ("VOM") such as inks, flux, coatings, thinners, epoxy and clean-up solvent. Emission sources at the facility include the ICC Department (electric curing oven, spray fluxer, chip/wave soldering and pencil soldering), the ECU Department (four soldering stations, urethane coating station/electric curing

oven, two stamping stations and W marking/curing), the Relay Department (three coil winding/flux/soldering stations, three flux/soldering stations, two epoxy sealing/curing ovens and three UV marking/curing stations), and solvent clean-up operations.

3. On April 5, 1996, the Illinois EPA issued Operating Permit Number 95100061 to Respondent authorizing operation of the emission sources listed in paragraph 2, above. That permit expired on April 5, 2001.

4. On October 24, 2001, the Illinois EPA issued Lifetime Operating Permit No. 95100061 ("Permit No. 95100061") to Respondent. That permit allowed Respondent to operate emission units consisting of the ICC Department (spray fluxer and electric curing oven), ECU Department (urethane coating station, 2 stamping stations, UV marking/curing station and electric curing oven), and Relay Department (3 coil winding/flux stations, 3 flux stations, 2 epoxy sealing/curing ovens and 3 UV marking curing stations).

5. On December 29, 2003, the Illinois EPA revised Respondent's Lifetime Operating Permit No. 95100061 ("Revised Permit No. 95100061"). The Revised Permit No. 95100061 permitted to operate emission units consisting of soldering flux

application, conformal coating application, product marking, metal stamping and clean-up operations.

6. On February 10, 2004, Respondent submitted its Clean Air Act Permit Program (CAAPP) permit application for the Site to the Illinois EPA.

C. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Constructing Air Emission Sources Without a Permit, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b)(2004), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

Count II: Failure to Obtain Operating Permits for New Emission Sources, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b)(2004), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

Count III: Failure to Obtain a Clean Air Act Permit Program (CAAPP) Permit, in violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2004).

Count IV: Violation of Operating Permit Conditions, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b)(2004) and Conditions 3, 5, 7, and 9 of Lifetime Operating Permit No. 95100061.

D. Admission of Violations

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced within Section III.C herein.

IV. APPLICABILITY

This Stipulation shall apply to and be binding upon the Complainant and the Respondent, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation.

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Respondent under this Stipulation and Proposal for Settlement. In the event of any conveyance of title, easement or other interest in the facility, the Respondent shall continue to be bound by and remain liable for performance of all of Respondent's obligations under this Stipulation.

, In the event that the Respondent proposes to sell or transfer any real property or operations subject to any Order accepting and adopting the terms of this Stipulation and Proposal for Settlement, the Respondent shall notify the Complainant thirty (30) days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Respondent shall make the prospective purchaser or successor's compliance with any Order accepting and adopting the terms of this Stipulation a condition of any such sale or transfer and shall provide a copy of this Stipulation and any Order accepting and adopting the terms of this Stipulation to any such successor in interest. This provision does not relieve the Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

The Respondent shall notify each contractor to be retained to perform work required by any Order accepting and adopting the terms of this Stipulation of each of the requirements of said Order relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Stipulation and any Order accepting and adopting the terms of this Stipulation to each contractor already retained no later than thirty (30) days

after the date of adoption of this Stipulation. In addition, the Respondent shall provide copies of all schedules for implementation of the provisions of this Stipulation to the prime vendor(s) supplying the control technology systems and other equipment required by any Order accepting and adopting the terms of this Stipulation.

V. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations including, but not limited to, the Act and the Board regulations, 35 Ill. Adm. Code, Subtitles A through H.

VI. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2004), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;

3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations.
2. There is social and economic benefit to the facility.
3. Operation of the facility was suitable for the area in which it occurred.
4. Obtaining a permit prior to construction of the new emission sources, obtaining an operating permit for the new emission sources from the Illinois EPA, timely submitting a complete CAAPP application, and complying with the terms and conditions of its permit in compliance with the Act and regulations, is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board Regulations.

VII. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h)(2004), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a 'supplemental environmental project," which means

an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties state as follows:

1. The Respondent failed to obtain a permit for construction activities prior to beginning construction activities at the site, failed to obtain an operating permit from the Illinois EPA for the new emission sources, failed to timely submit a complete CAAPP application prior to commencing activities at the site, and failed to comply with the terms and conditions of its existing permits, violating the Act and regulations. The gravity of the violations is significant because a new emissions source was created with the potential to exceed volatile organic material usage and emission limits allowable by the Respondent's existing permits.

2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified it of its noncompliance.

3. Respondent's economic benefit from noncompliance was nominal and the penalty obtained includes any economic benefit received.

4. , Complainant has determined, based upon the specific facts of this matter, that a penalty of Twenty Thousand Dollars (\$20,000.00) and performance of two (2) supplemental environmental projects ("SEPs"), outlined in Section VIII.B, will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. Respondent has agreed to undertake two (2) SEPs as part of the settlement of this matter for which the Respondent is not otherwise legally required to perform. Complainant initially determined that a civil penalty of Sixty Thousand Dollars (\$60,000.00) for Respondent's violations of the Act and the Board regulations was appropriate based on the gravity of the alleged violations. Respondent has agreed to implement, and Complainant has agreed to accept in partial settlement of this matter, the proposed terms of two (2) SEPs, and are described under Section VIII.B, below. In order to promote the goals of the Act to restore, protect and enhance the quality of the environment, Complainant has agreed to mitigate the civil penalty to Twenty Thousand Dollars (\$20,000.00), based upon Respondent's commitment to implement two (2) SEPs.

VIII. TERMS OF SETTLEMENT

A. Penalty

1. The Respondent shall pay a civil penalty in the sum of Twenty Thousand Dollars (\$20,000.00). Payment shall be made within ten (10) days of the acceptance of this Stipulation by the Board.

a. Payment shall be made by wire transfer, payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). The Respondent's name, the case number, and Respondent's Federal Employer Identification Number (FEIN), shall accompany the wire transfer.

b. A copy of the record of wire transfer shall be sent to:

Jennifer A. Tomas
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

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

2. In the event that Respondent fails to implement the SEPs described in Section VIII.B, Respondent shall remit the

amount of Sixty Thousand Dollars (\$60,000.00) to the Illinois EPA within thirty (30) calendar days after the event(s) or circumstance(s) resulting in the nonperformance unless otherwise agreed to by the parties. Payment of the remittance shall be made according to Section VIII.A.1, above.

3. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2004), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003 (2004). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue to accrue until the date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall be paid by certified check, money order or electronic funds transfer, payable to the Illinois EPA, designated to the EPTF and delivered to the address and in the manner described above.

4. For purposes of payment and collection, Respondent may be reached at the following address:

Omron Automotive Electronics, Inc.
3709 Ohio Avenue
Saint Charles, Illinois 60174

5. In the event of default of this Section VIII.A, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees.

B. Supplemental Environmental Projects

1. In connection with this Stipulation, Respondent shall perform two (2) SEPs with an approximate combined value of One Hundred Ninety-Three Thousand Five Hundred Dollars (\$193,500.00) upon entry of this Consent Order. For the first SEP ("SEP 1"), Respondent shall use alternate materials for maintenance of the flux application equipment, soldering operations, and surface mounting operations, resulting in a VOM reduction of approximately 3 tons per year, at its facility in St. Charles, Illinois.

2. For the second SEP ("SEP 2"), Respondent shall construct a new oven for a lead-free solder reflow process, resulting in a reduction in lead used in the process, the amount of hazardous waste generated at the Site, and the amount of lead entering the environment.

3. Respondent shall complete SEP 1 by no later than April 30, 2006 and SEP 2 by no later than June 30, 2006.

4. By signature on this Stipulation, Respondent certifies

that, as of the date of entry of this Stipulation, it is not required to perform or develop the foregoing SEPs by any federal, state or local law or regulation, nor is it required to perform or develop the SEPs by agreement or injunctive relief in any other case.

5. In the event that the Respondent publicizes the SEPs, or the results of the SEPs performed hereunder, in connection with any advertisement of its business activities or any statement concerning the SEPs in a news medium, Respondent shall include or reference the following statement:

This project was undertaken in connection with the settlement of an enforcement action taken by the State of Illinois for alleged violations of the State's environmental laws and the Illinois Pollution Control Board's regulations.

The term "news media" as used herein shall have the meaning given to that term in Section 8-902(b) of the Illinois Code of Civil Procedure, 735 ILCS 5/8-902(b)(2004).

6. Respondent shall certify completion of the two (2) above-referenced SEPs by submitting a report to the Illinois EPA and the Attorney General within thirty (30) calendar days after completion, or within thirty (30) days of the deadlines set forth in Section VIII.B.3, whichever is earlier.

C. Compliance Plan

On February 10, 2004, Respondent submitted its Clean Air Act Permit Program (CAAPP) permit application to the Illinois EPA. Respondent shall comply with the terms and conditions of its CAAPP permit once issued.

D. Future Use

Notwithstanding any other language in this Stipulation to the contrary, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.F, below, the Respondent hereby agrees that this Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations promulgated thereunder for all violations alleged in the Complaint in this matter, for purposes of Section 39(a) and (i) and/or 42(h) of the Act, 415 ILCS 5/39 (a) and(i) and/or 5/42(h)(2004). Further, Respondent agrees to waive any rights to contest, in any subsequent enforcement action or permit proceeding, any allegations that these alleged violations were adjudicated.

E. Cease and Desist

The Respondent shall cease and desist from future violations of the Act and Board Regulations, that were the subject matter of the Complaint as outlined in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

F. Release from Liability

In consideration of the Respondent's payment of the \$20,000.00 penalty and any specified costs and accrued interest, completion of all activities required hereunder, to Cease and Desist as contained in Section VIII.E and upon the Pollution Control Board's acceptance and approval of the terms of this Stipulation and Proposal for Settlement, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on September 21, 2004 and otherwise identified herein. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a.. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois or the Illinois EPA may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

G. Right of Entry

In addition to any other authority, the Illinois EPA, its employees and representatives, and the Attorney General, her agents and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of carrying out inspections. In conducting such inspections, the Illinois EPA, its employees and representatives, and the

Attorney General, her employees and representatives may take photographs, samples, and collect information, as they deem necessary.

H. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for payments pursuant to Sections VIII.A ("Penalty Payment"), shall be submitted as follows:

As to the Complainant

Jennifer A. Tomas
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

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

As to the Respondent

Rick Saines
Baker & McKenzie
One Prudential Plaza, Suite 3500
130 East Randolph Drive
Chicago, Illinois 60601

I. Modification of Stipulation

The parties may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section VIII.H. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of each party, and then accompany a joint motion to the Illinois Pollution Control Board seeking a modification of the prior order approving and accepting the Stipulation to approve and accept the Stipulation as amended.

J. Enforcement of Board Order

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois Pollution Control Board and may be enforced as such through any and all available means.

2. Respondent agrees that notice of any subsequent proceeding to enforce the Board Order approving and accepting

this Stipulation and Proposal for Settlement may be made by mail and waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

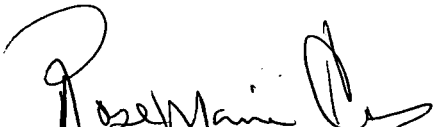
4. It is the intent of the Complainant and Respondent that the provisions of this Stipulation and Proposal for Settlement and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state or federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.

WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,


LISA MADIGAN
Attorney General.
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: 
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General


DATE: 4/25/06

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY: 
ROBERT A. MESSINA
Chief Legal Counsel

DATE: 4/15/06

OMRON AUTOMOTIVE ELECTRONICS, INC.

BY: 
Name: Eric DeVries
Title: President.

DATE: 5/19/06

CERTIFICATE OF SERVICE

I, JENNIFER A. TOMAS, an Assistant Attorney General, certify that on the 26th day of May 2006, I caused to be served by First Class Mail the foregoing Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirement to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.


JENNIFER A. TOMAS