ILLINOIS POLLUTION CONTROL BOARD June 1, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 02-186
)	(Enforcement - Air)
PERFETTI VAN MELLE USA INC. f/k/a)	
VAN MELLE USA INC., a Kentucky)	
corporation,)	
)	
Respondent.)	

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

On April 23, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Perfetti Van Melle USA Inc. (Perfetti Van Melle). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Perfetti Van Melle's candy manufacturing facility at 151 North Hastings Lane, Buffalo Grove, Lake County.

The People allege that Perfetti Van Melle violated Section 9(a) and (b), 9.8(b), and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b), 9.8(b), and 39.5(6)(b) (2004)) and 35 Ill. Adm. Code 201.141; 201.143; 203.201; 205.150(c), (d), and (e); 205.300(a); 205.310(a); 218.986; and 270.301(b). The People further allege that Perfetti Van Melle violated these provisions by (1) operating an emissions source without a permit; (2) failing to timely submit a Clean Air Act Permit Program (CAAPP) application; (3) failing to timely submit an Emission Reduction Market System (ERMS) application; (4) releasing volatile organic material (VOM) into the atmosphere without demonstrating compliance with New Source Review (NSR) requirements; and (5) failing to reduce uncontrolled VOM emissions.

On May 18, 2006, the People and Perfetti Van Melle 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 III. Adm. Code 103.300(a). Under the proposed stipulation, the Perfetti Van Melle neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$120,000. Perfetti Van Melle further agrees to pay \$60,909.39 for purchase of allotment trading units (ATUs) from the Agency's Alternative Compliance Market Account (ACMA) and \$1,800 for the 2004 annual air pollution site fee.

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 June 1, 2006, by a vote of 4-0.

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Dorothy M. Gunn, Clerk

Illinois Pollution Control Board