ILLINOIS POLLUTION CONTROL BOARD June 15, 2006

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
V.) PCB 03-215
HUCK STORE FIXTURE COMPANY, INC.,) (Enforcement - Air))
an Illinois corporation,)
Respondent.)

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On May 9, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Huck Store Fixture Company, Inc. (Huck). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Huck violated Section 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) (2004)) and 35 Ill. Adm. Code 201.141, 201.142, and 201.143. The People further allege that Huck violated these provisions by using materials in its manufacturing process that had volatile organic material (VOM) content which exceeded the limits established by regulation, failing to maintain records required by permit, and beginning use of materials with VOM content in excess of that allowed by regulation without construction or operating permits. The complaint concerns Huck's wood furniture manufacturing facility at 1100 North 28th Street, Quincy, Adams County.

On May 5, 2006, the People and Huck 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Quincy Herald-Whig* on May 15, 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 III. 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 Huck'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 Huck have satisfied Section 103.302. Under the proposed stipulation, Huck does not admit the alleged violations but agrees to pay a civil penalty of \$20,000. 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. Huck must pay a civil penalty of \$20,000 no later than July 17, 2006, which is the first business day after the 30th day from the date of this order. Huck must pay the civil penalty by certified check or money order, payable to Illinois Environmental Protection Trust Fund. The case number, case name, and Huck's social security number or federal employer identification number must be included on the certified check or money order.
- 3. Huck 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

- 4. 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)).
- 5. Huck 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 June 15, 2006, by a vote of 4-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board