

ILLINOIS POLLUTION CONTROL BOARD

July 6, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-56
)	(Enforcement - Air)
OMRON AUTOMOTIVE ELECTRONICS,)	
INC., a Delaware corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by A.S. Moore):

On September 21, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Omron Automotive Electronics, Inc. (Omron). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Omron violated Sections 9(b) and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(b), 39.5(6)(b) (2004)); Sections 201.142 and 201.143 of the Board's air pollution regulations (35 Ill. Adm. Code 201.142, 201.143); and conditions 3, 5, 7, and 9 of Omron's Lifetime Operating Permit No. 95100061.

According to the complaint, Omron violated these provisions by constructing new emission sources without obtaining a construction permit from the Illinois Environmental Protection Agency (Agency), by operating new emission sources without obtaining an operating permit from the Agency, by operating a facility regulated by the Clean Air Act Permit Program (CAAPP) without timely submitting a complete CAAPP permit application and obtaining a CAAPP permit, by exceeding monthly usage limits, by failing to keep required records, by failing to report exceedances, by failing to obtain a revised permit, and by operating equipment capable of causing or contributing to air pollution in violation of permit conditions. The complaint concerns Omron's relay and electronic control unit manufacturing facility located at 3709 Ohio Avenue, in St. Charles, Kane County.

On May 26, 2006, the People and Omron 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 Ill. 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 *St. Charles Republican* on June 1, 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 Omron'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 Omron have satisfied Section 103.302. Under the proposed stipulation, Omron neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$20,000 and to perform two supplemental environmental projects (SEP) with an approximate combined value of \$193,500.

For the first SEP, Omron will use alternate materials for maintenance of the flux application equipment, soldering operations, and surface mounting operations at its St. Charles facility, resulting in a reduction of approximately three tons per year in emissions of volatile organic material (VOM). In its order dated May 26, 2006 directing the Clerk to provide the required published notice of the stipulation and proposed settlement, the Board noted the proposed settlement provides that Omron is obligated to complete this first SEP no later than April 30, 2006. Noting that date had already passed, the Board observed that the proposed settlement was first signed by the Agency on April 15, 2006, indicating that the parties intended Omron to perform this first SEP within a short time.

For the second SEP, Omron will construct a new oven for a lead-free solder reflow process, reducing the amount of lead used in the process, the amount of lead entering the environment, and the amount of hazardous waste generated at the site. In its order dated May 26, 2006 directing the Clerk to provide the required published notice of the stipulation and proposed settlement, the Board noted that the proposed settlement provides that Omron is obligated to complete the second SEP no later than June 30, 2006. The Board again observed that the proposed settlement was first signed by the Agency on April 15, 2006, indicating the amount of time the parties intended to allow Omron to perform this SEP.

Accordingly, the Board stated that, if it granted the motion for relief from the hearing requirement and accepted this proposed settlement, the Board would direct Omron to perform the first SEP on or before the 30th day after it grants that relief and to perform the second SEP on or before the 45th day after it grants that relief. In its order below, the Board will direct Omron to perform the first SEP on or before Saturday, August 5, 2006, the 30th day after the date of this order. The Board will also direct Omron to perform the second SEP on or before Sunday, August 20, 2006, the 45th day after the date of this order.

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. Omron must pay a civil penalty of \$20,000 no later than Monday, August 7, 2006, which is the first business day after the 30th day after the date of this order. Omron must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and

Omron's social security number or federal employer identification number must be included on the certified check or money order.

3. Omron must send the certified check or money order to:

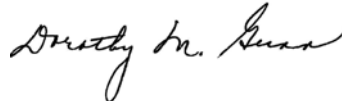
Illinois Environmental Protection Agency
 Fiscal Services Division
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

4. For its first SEP, Omron must use alternate materials for maintenance of the flux application equipment, soldering operations, and surface mounting operations at its St. Charles facility beginning on or before August 5, 2006.
5. For its second SEP, Omron must construct a new oven for a lead-free solder reflow process on or before August 20, 2006.
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. Omron 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 July 6, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board