ILLINOIS POLLUTION CONTROL BOARD May 3, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 06-78
NORTH AMERICAN LIGHTING, INC., a Michigan corporation,)	(Enforcement - Air, Water)
Respondent.)	

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

On November 17, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against North American Lighting, Inc. (North American Lighting). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. In this case, the People allege that North American Lighting violated Section 9(a) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) (2004)) and 35 Ill. Adm. Code 201.141. The People further allege that North American Lighting violated these provisions by causing or tending to cause air pollution. The complaint concerns North American Lighting's automotive headlamp, fog lamp, and auxiliary systems manufacturing facility at 20 Industrial Park, Flora, Clay County.

On March 28, 2007, the People and North American Lighting 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 Daily Clay County Advocate-Press on April 3, 2007. 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 North American Lighting'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 North American Lighting have satisfied Section 103.302. Under the proposed stipulation, North American Lighting neither admits nor denies 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. North American Lighting, Inc. (North American Lighting) must pay a civil penalty of \$20,000 no later than June 4, 2007, which is the first business day after the 30th day after the date of this order. North American Lighting must pay the civil penalty by certified check, payable to the Illinois Environmental Protection Agency, designated to the Illinois Environmental Protection Trust Fund. The case number, case name, and North American Lighting's federal employer identification number (37-1131470) must be included on the certified check.
- 3. North American Lighting must send the certified check to:

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

A copy of the check must be sent to:

Raymond J. Callery Assistant Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62706

John P. Waligore Assistant Counsel Illinois Environmental Protection Agency 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. North American Lighting 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 3, 2007 by a vote of ______

John T. Therriault, Assistant Clerk Illinois Pollution Control Board