## ILLINOIS POLLUTION CONTROL BOARD October 4, 2007

PEOPLE OF THE STATE OF ILLINOIS, )	
)	
Complainant, )	
)	
v. ) PCB 05-2	202
) (Enforcer	nent - Air)
PHOENIX FINISHING, INC., an Illinois )	
corporation, )	
)	
Respondent.	

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

On June 3, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Phoenix Finishing, Inc. (PFI). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The People allege that PFI violated Sections 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b) (2006)) and several of the Board's air pollution regulations by operating paint booths and ovens without an operating permit from the Illinois Environmental Protection Agency, applying coatings containing excessive amounts of volatile organic material (VOM), and failing to timely file annual emission reports. The complaint concerns PFI's electronic parts coating and silk screening facility located at 1090 Industrial Drive, in Bensenville, DuPage County.

On September 25, 2007, the People and PFI 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, PFI neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$2,000, with \$1,500 designated to the Environmental Protection Permit and Inspection Fund and \$500 designated to the Environmental Protection Trust Fund.

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) (2006); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 4, 2007, by a vote of 4-0.

In T. Theriaut -

John T. Therriault, Assistant Clerk Illinois Pollution Control Board