

ILLINOIS POLLUTION CONTROL BOARD
November 1, 2007

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

OPINION AND 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 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 GateHouse Media Suburban Newspapers of Bensenville and Wood Dale on October 4, 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) (2006); 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 PFI’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) (2006)). The People and PFI have satisfied Section 103.302. 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. 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. PFI must pay a civil penalty of \$2,000 no later than Monday, December 3, 2007, which is the first business day after the 30th day after the date of this order. PFI must pay the civil penalty by certified check or money order, payable in the amount of \$1,500 to the Environmental Protection Permit and Inspection Fund and in the amount of \$500 to the Environmental Protection Trust Fund. The case number, case name, and PFI's federal employer identification number must be included on the certified check or money order.
3. PFI 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. A copy of the certified check or money order and any transmittal letter must be sent to:

L. Nichole Cunningham
Assistant Attorney General
Environmental Bureau
100 W. Randolph St.
Chicago, IL 60601

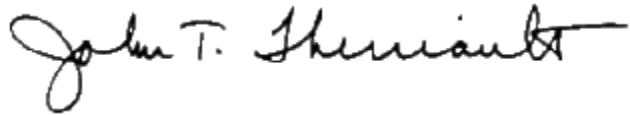
Maureen Wozniak
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276.
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).

6. PFI 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) (2006); *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 November 1, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board