## ILLINOIS POLLUTION CONTROL BOARD June 5, 2008

PEOPLE OF THE STATE OF ILLINOIS,	)
	)
Complainant,	)
	)
V.	)
	)
CFC INTERNATIONAL, INC., a Delaware	)
corporation,	)
	)
Respondent.	)

PCB 08-94 (Enforcement - Air)

ORDER OF THE BOARD (by G.T. Girard):

On May 30, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against CFC International, Inc., a Delaware corporation (CFC). The complaint concerns CFC's operation of a coated film processing facility located at 500 State Street, Chicago Heights, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint as meeting the content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Cod 103.204(c), (f). The Board further directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that CFC violated Sections 9(b), 39.5(6)(a), and 39.5(6)(b) of the Act (415 ILCS 5/9(b), 39.5(6)(a), (b) (2006)), and Section 201.142 of the Board's air pollution regulations (35 Ill. Adm. Code 201.142). The People allege that CFC violated these provisions by (1) constructing new emission sources without timely obtaining construction permits from the Illinois Environmental Protection Agency; (2) operating new emission sources without a Clean Air Act Permit Program (CAAPP) permit; and (3) operating beyond the original CAAPP permit's expiration date without timely submitting a CAAPP permit renewal application. The Board accepts the complaint. *See* 35 Ill. Adm. Code 103.204.

On May 30, 2008, the People and CFC also 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)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, CFC does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$60,000.

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. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5, 2008, by a vote of 4-0.

In T. Thereian

John Therriault, Assistant Clerk Illinois Pollution Control Board