ILLINOIS POLLUTION CONTROL BOARD July 21, 2008

| PEOPLE OF THE STATE OF ILLINOIS, |) |
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| |) |
| Complainant, |) |
| |) |
| V. |) P |
| |) (l |
| SURFACE MANUFACTURING COMPANY, |) |
| an Illinois corporation, |) |
| |) |
| Respondent. |) |
| | |

PCB 08-91 (Enforcement - Water)

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

On June 16, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Surface Manufacturing Company. Surface Manufacturing Company (Surface Manufacturing). The complaint concerns discharges in 2006 from Surface Manufacturing's metal finishing operation located at 135 South 4th Street, Village of Capron, Boone County. The parties now seek to settle without a hearing. The Board 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 Surface Manufacturing violated Section 12(a) of the Act (415 ILCS 5/12(a) (2006)). The People further allege that Surface Manufacturing violated this provision by discharging chromium in excess of its permit limit into the Village of Capron's publicly owned treatment works (POTW), thereby threatening the discharge of contaminants into the environment so as to tend to cause water pollution.

On July 14, 2008, the People and Surface Manufacturing filed a stipulation and a proposed settlement. On July 15, 2008, the People and Surface Manufacturing filed a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). These filings are 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, Surface Manufacturing admits the alleged violations and agrees to pay a civil penalty of \$12,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of each 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 respective 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 July 21, 2008 by a vote of 4-0.

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John Therriault, Assistant Clerk Illinois Pollution Control Board