ILLINOIS POLLUTION CONTROL BOARD June 16, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 09-108
)	(Enforcement - Air)
APOLLO PLASTICS CORPORATION,)	
an Indiana corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. K. Zalewski):

On May 12, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Apollo Plastics Corporation (respondent). The complaint concerns respondent's facility for manufacturing automobile dashboard components located at 5333 North Elston Avenue, Chicago, Cook County, Illinois 60630. The parties now seek to settle without a hearing. For the reasons below, 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 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 9(a), 9(b), 9.8(b), 39.5(6)(b) of the Act (415 ILCS 5/9(a), 9(b), 9.8(b), 39.5(6)(b) (2008)) and Sections 201.142, 201.143, 205.150(c)(1), 201.302(a), 205.300(b)(1), 205.300(b)(2), 205.310, 218.204(n)(1), 218.211(c), 254.132(a) and 254.137(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.142, 201.143, 205.150(c)(1), 201.302(a), 205.300(b)(1), 205.300(b)(2), 205.310, 218.204(n)(1), 218.211(c), 254.132(b) and 254.137(a)). The People further allege that respondent violated these provisions by failing to obtain requisite permits before construction of emission units, failure to obtain a Clean Air Act Permit Program permit, failure to comply with the Board's volatile organic emission limitations regulation for plastic parts coating, failure to maintain required records, failure to timely submit an Emission Reduction Market System baseline application, failure to submit annual emission reports, failure to submit seasonal emission reports, and failure to hold allotment trading units.

On June 1, 2011, the People and respondent 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, the respondent does

not affirmatively admit the allegations of the violations but agrees to pay a civil penalty of \$30,946.

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) (2008); 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 16, 2011, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board