## ILLINOIS POLLUTION CONTROL BOARD August 21, 2014

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 14-101
	)	(Enforcement - Air)
NORWOOD MARKING & EQUIPMENT	)	
COMPANY, INC., a Delaware corporation,	)	
	)	
Respondent.	)	

## OPINION AND ORDER OF THE BOARD (by J.D. O'Leary):

On January 24, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Norwood Marking & Equipment Company, Inc. (Norwood). The complaint concerns Norwood's paper coating manufacturing facility at 250 Industry Ave., Frankfort, Will County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5/31 (2012)), 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 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that Norwood violated Section 9(a) of the Act (415 ILCS 5/9(a) (2012)), Section 201.302(a) of the Board's Air Pollution Regulations (35 Ill. Adm. Code 301.302(a)), and Section 254.132(a) of the Illinois Environmental Protection Agency Air Regulations (35 Ill. Adm. Code 254.132(a)) by failing to file timely Annual Emissions Reports for the 2012 calendar year.

On June 18, 2014, the People and Norwood 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the SouthtownStar on July 14, 2014. 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) (2012); 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. *See* 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 Norwood'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) (2012)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Norwood neither admits nor denies the alleged violation. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2012)), which may mitigate or aggravate the civil penalty amount. Norwood agrees to pay a civil penalty of \$5,000. The People and Norwood have satisfied Section 103.302. 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. Norwood must pay a civil penalty of \$5,000 no later than Monday, September 22, 2014, which is the first business day following the 30th day after the date of this order. Norwood must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the face of the certified check or money order.
- 3. Norwood must submit payment of the civil penalty to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

Norwood must send a copy of the certified check or money order and any transmittal letter to:

Evan J. McGinley Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 69 W. Washington St., Suite 1800 Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2012)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2012)).

5. Norwood must cease and desist from future violations of the Environmental Protection Act, the Board air pollution regulations, and the Illinois Environmental Protection Agency air pollution regulations that were the subject matter of the complaint.

## 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) (2012); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 21, 2014, by a vote of 4-0.

John T. Therriault, Clerk

Illinois Pollution Control Board

John T. Therrank