

ILLINOIS POLLUTION CONTROL BOARD

June 1, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-56
)	(Enforcement - Air)
OMRON AUTOMOTIVE ELECTRONICS,)	
INC., a Delaware corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On September 21, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Omron Automotive Electronics, Inc. (Omron). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Omron violated Sections 9(b) and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(b), 39.5(6)(b) (2004)); Sections 201.142 and 201.143 of the Board's air pollution regulations (35 Ill. Adm. Code 201.142, 201.143); and conditions 3, 5, 7, and 9 of Omron's Lifetime Operating Permit No. 95100061.

According to the complaint, Omron violated these provisions by constructing new emission sources without obtaining a construction permit from the Illinois Environmental Protection Agency (Agency), by operating new emission sources without obtaining an operating permit from the Agency, by operating a facility regulated by the Clean Air Act Permit Program (CAAPP) without timely submitting a complete CAAPP permit application and obtaining a CAAPP permit, by exceeding monthly usage limits, by failing to keep required records, by failing to report exceedances, by failing to obtain a revised permit, and by operating equipment capable of causing or contributing to air pollution in violation of permit conditions. The complaint concerns Omron's relay and electronic control unit manufacturing facility located at 3709 Ohio Avenue, in St. Charles, Kane County.

On May 26, 2006, the People and Omron 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Omron neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$20,000 and to perform two supplemental environmental projects (SEP) with an approximate combined value of \$193,500.

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

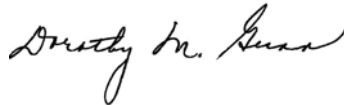
files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

For the first SEP, Omron will use alternate materials for maintenance of the flux application equipment, soldering operations, and surface mounting operations at its St. Charles facility, resulting in a reduction of approximately three tons per year of volatile organic material (VOM). The Board notes the proposed settlement provides that Omron is obligated to complete this first SEP no later than April 30, 2006. While that date has passed, the Board observes that the proposed settlement was first signed by the Agency on April 15, 2006, indicating that the parties intended Omron to perform this first SEP within a short time.

For the second SEP, Omron will construct a new oven for a lead-free solder reflow process, reducing the amount of lead used in the process, the amount of lead entering the environment, and the amount of hazardous waste generated at the site. The Board notes that the proposed settlement provides that Omron is obligated to complete the second SEP no later than June 30, 2006. The Board again observes that the proposed settlement was first signed by the Agency on April 15, 2006, indicating the amount of time the parties intended to allow Omron to perform this SEP. Accordingly, if the Board grants the motion for relief from the hearing requirement and accepts this proposed settlement, the Board will direct Omron to perform the first SEP on or before the 30th day after it grants that relief and to perform the second SEP on or before the 45th day after it grants that relief.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 1, 2006, by a vote of 4-0.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", written in a cursive style.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board