ILLINOIS POLLUTION CONTROL BOARD December 19, 2002

| PEOPLE OF THE STATE OF ILLINOIS, |) | |
|----------------------------------|---|---------------------|
| Complainant, |) | |
| v. |) | PCB 97-89 |
| API INDUSTRIES, INC., a Delaware |) | (Enforcement - Air) |
| corporation, |) | |
| Respondent. |) | |

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

On November 14, 1996, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against API Industries, Inc. (API). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that API: operated and constructed various equipment at the facility without a permit; exceeded volatile organic material (VOM) emission limits; failed to test coatings, certify compliance, or maintain daily records; and emitted fugitive particulate matter into traffic areas of the facility without submitting an operating permit. The People further allege that by doing so, API violated Sections 9(a) and 9(b) of the Environmental Protection Act (Act) and various sections of the Board rules. 415 ILCS 5/9(a) and (b) (2000). The complaint concerns API's electroplating facility in Elk Grove Village, Cook County.

On December 9, 2002, the People and API 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, API neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$50,000.

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

212.309.

¹ The People alleged API violated Section 201.142 for construction without a permit; Section 201.143 for operating a new emission source or new air pollution control equipment without a permit; Section 218.204 and 205 for exceeding the maximum emissions limits for VOM; Section 218.105 for failing to test each of its coatings; Sections 218.211(c)(1) for failure to certify compliance with Section 218.204; Section 218.211(c)(2) for failure to maintain daily records; and Section 212.309 for emitting fugitive particulate matter into traffic areas without an operating program. 35 Ill. Adm. Code 201.143, 218.204, 218.205, 218.211(c)(1) and (c)(2), and

hearing. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 19, 2002, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board