ILLINOIS POLLUTION CONTROL BOARD January 9, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	PCB 96-126 (Enforcement - Air)
v.)	
BENNETT INDUSTRIES, INC., an)	
Illinois corporation,)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

This matter comes before the Board upon a five-count complaint filed December 12, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Bennett Industries, Inc. (Bennett), an Illinois corporation, located at 515 First Street, Peotone, Will County, Illinois. The complaint alleges Bennett violated Sections 9(a) and (b) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/9(a) and (b) (1994) and 35 Ill. Adm. Code 201.143, 218.204(j), 218.205(b)(2), and 218.211(d)(1), (2), and (3) by operating an emission source without the proper permits, violation of the emission limitations for clear coatings and extreme performance coatings in its spray booth and roller coater operations, failure to certify compliance, failure to maintain daily records and failure to notify the Agency of records violations.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on November 14, 1996. The Board published a notice of the waiver on November 20, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on November 14, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Bennett denies the alleged violations and agrees to pay a civil penalty of thirty thousand dollars (\$30,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Bennett Industries, Inc. (Bennett), an Illinois corporation, located at 515 First Street, Peotone, Will County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Bennett shall pay the sum of thirty thousand dollars (\$30,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by First Class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 2200 Churchill Road P.O. Box 19276 Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Bennett's Federal Employer Identification Number 36-3738441 and that payment is directed to the Environmental Protection Trust Fund.

3) Bennett shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Ithe above order was adopted on the	llinois Pollution Control Board, hereby certify that day of, 1997, by a vote of
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	Dorothy M. Gunn, Clerk Illinois Pollution Control Board