ILLINOIS POLLUTION CONTROL BOARD April 19, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
)	DCD 12 112
V.)	PCB 12-112 (Enforcement - Air)
BERTEAU-LOWELL PLATING WORKS,)	
INC.,)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by T. A. Holbrook):

On February 17, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint (Comp.) against Berteau-Lowell Plating Works, Inc. (respondent). The complaint concerns respondent's electroplating facility at 2320 West Fullerton Avenue, Chicago, Cook County. 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 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated provisions of the Act, the Code of Federal Regulations¹, and respondent's Federally Enforceable State Operating Permit (FESOP). According to the complaint, respondents violated these provisions by: (1) failing to prepare an annual compliance certification and demonstrate continuous compliance with applicable management practices and equipment standards for plating and polishing operations; (2) failing to prepare an annual certification of compliance report for plating and polishing operations; (3) failing to maintain records supporting notification of compliance standards for plating and polishing operations; (4) failing to monitor and record actual dwell time on a monthly basis for an open top batch vapor degreaser; (5) failing to maintain records of actual dwell time for an open top batch vapor degreaser; (6) failing to develop and maintain an operations and maintenance plan for a decorative chromium electroplating tank; and (7) failing to maintain a maintenance record for a scrubber.

¹ Although the Board generally does not have jurisdiction over federal Clean Air Act regulations, Section 9(b) of the Act provides that National Emissions Standards for Hazardous Air Pollutants (NESHAP) "are applicable in this State and enforceable under the Act." 415 ILCS 5/9(b) (2010). The complaint alleges violations of Subpart WWWWWW of Part 63, Title 40 of the Code of Federal Regulations and states that this provision "was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP regulations." Comp. at 3 (¶13); see 415 ILCS 5/9.1(d)(1) (2010).

On April 10, 2012, 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, respondent does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$1,000.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 19, 2012, by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board

In T. Therrian