

ILLINOIS POLLUTION CONTROL BOARD
June 7, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-11
)	(Enforcement - Air)
REICHHOLD, INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter is before the Board on the parties May 22, 2001 joint motion to amend a stipulation and proposal for settlement accepted by the Board in its August 24, 2000 order. On July 24, 2000, the People of the State of Illinois filed a complaint against Reichhold Inc., accompanied by a joint stipulation and proposal for settlement. The complaint alleged that respondent violated Section 9(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(b) (2000)), and Special Condition No. 2 of Operating Permit No. 94110091. On August 24, 2000, the Board accepted a stipulation and proposal for settlement filed by the parties.

On May 22, 2001, the parties filed a motion to amend the stipulation and proposal for settlement, due to an error in the price quotations for equipment pricing.¹ The parties also filed a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)).

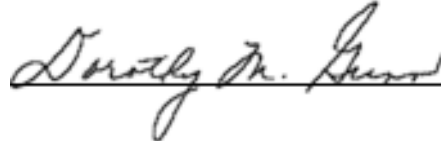
Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. (415 ILCS 5/31(c)(2) (2000)). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

¹ In the course of preparing formal engineering plans for the Supplemental Environmental Project (SEP) detailed in the stipulation, respondent obtained new engineering estimates for the procurement and installation of the materials required for the SEP. The new engineering estimates revealed that respondent's vendors had seriously erred in earlier quotations for equipment pricing. This error amounted to a true cost of \$716,000 for the SEP, whereas the parties anticipated the costs of the SEP to be \$155,000. The reduction in the complainant's penalty demand was based upon the respondent's implementation of the SEP. Implementation of the SEP was not necessary for respondent to achieve regulatory or permitting compliance. In lieu of implementing the SEP, the amended stipulation reflects that respondent shall pay complainant's initial demand of \$75,000.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of June 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board