

ILLINOIS POLLUTION CONTROL BOARD

March 21, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-125
)	(Enforcement - Air)
NINA ENTERPRISES, INC.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On January 28, 2000 the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Nina Enterprises, Inc.. *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The People allege that Nina Enterprises, Inc. violated Sections 9(a), 9(b), and 39.5(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b), 39.5(b) (2000)) and Sections 201.141, 218.204(g)(2) and 270.301(a) of the Board's air pollution regulations. The People further allege that Nina Enterprises, Inc., violated these provisions by not complying with the applicable volatile organic material emissions limitations. The complaint concerns Nina Enterprises, Inc.'s metal office products manufacturing facility at 1350 South Levitt, Chicago, Cook County.

On February 7, 2002, the People and Nina Enterprises, Inc., filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the Chicago Sun-Times on February 11, 2002. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Nina Enterprises Inc.'s operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and Nina Enterprises, Inc. have satisfied Section 103.302. Nina Enterprises, Inc. neither admits nor denies the alleged violation(s) and agrees to pay a civil penalty of \$37,000. The Board accepts the stipulation and proposed settlement.

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

ORDER

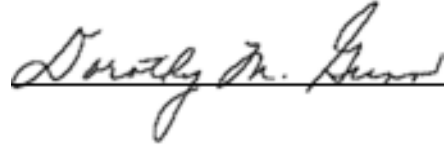
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Nina Enterprises, Inc., must pay a civil penalty of \$20,000 no later than April 20, 2002, which is the 30th day after the date of this order. Nina Enterprises, Inc., must additionally pay a civil penalty of \$1,700 per month for the ten consecutive months after the April 20, 2002 payment. Nina Enterprises, Inc., must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Nina Enterprises Inc.'s federal employer identification number (36-3050995) must be included on the certified check or money order.
3. Nina Enterprises Inc., must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Nina Enterprises, Inc., must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 21, 2002, 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