

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-127
)	(Enforcement - Air)
DYNAWELD, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

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

This matter comes before the Board upon a five-count complaint filed December 14, 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 Dynaweld, Inc. (Dynaweld), an Illinois corporation, located at 631 Plum, Aurora Township, Kane County, Illinois. The complaint alleges that Dynaweld has violated Sections 9(a) and 9(b) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/9(a), 5/9(b)) and 35 Ill. Adm. Code 201.142, 201.143, 218.204(j)(2) and 218.105(a) by constructing and operating emission sources without the proper permits, operating the shotblaster and baghouse dust collector without a permit, operating the five spray booths without a permit, exceeding emission limitations, and failure to comply with test methods and procedures.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on January 8, 1996. The Board published a notice of the waiver on January 26, 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 January 8, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Dynaweld denies the alleged violations but agrees to pay a civil penalty of ten thousand dollars (\$10,000.00).

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 pollution control regulations.

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

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Dynaweld, Inc., an Illinois corporation, located at 631 Plum, Aurora Township, Kane County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Dynaweld shall pay the sum of ten thousand dollars (\$10,000.00) 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, Illinois 62794-9276

A copy of the check shall be sent to:

Zemeherer Bereket-Ab
Assistant Attorney General
Environmental Bureau
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601

The certified check or money order shall clearly indicate on its face, Dynaweld 's Federal Employer Identification Number 36-2487152 and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Dynaweld shall cease and desist from the alleged violations.

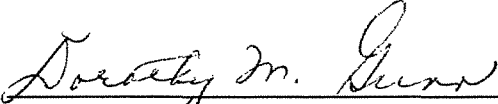
IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

Section 41 of the Environmental Protection Act(415 ILCS 5/41 (1994)) provides for the appeal of final Board orders 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 Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of March, 1996, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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