

ILLINOIS POLLUTION CONTROL BOARD

September 2, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-7
)	(Enforcement - Air)
QC FINISHERS, INC., an Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On July 14, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against QC Finishers, Inc. The complaint concerns QC Finishers' facility at 10228-10344 Franklin Avenue, in Franklin Park, Cook County. At the facility, QC Finishers coats metal and plastic parts for various industries, including automotive, medical, military, computer, and government. The parties now seek to settle without a public hearing. 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 (2002)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2002); 35 Ill. Adm. Code 103. In this case, the People's complaint alleges that QC Finishers violated air pollution control provisions of the Act and the Board's regulations by constructing and operating emission sources and control equipment without a State permit, failing to comply with emission limits, failing to timely develop and submit a fugitive matter emission program, failing to timely file an Emissions Reduction Market System (ERMS) application, operating without a Clean Air Act Permit Program (CAAPP) permit, and making a major modification without a permit.

On August 23, 2004, the People and QC Finishers 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)), 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).

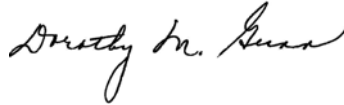
Through the stipulation and proposed settlement, the People and QC Finishers seek to resolve the violations alleged in the complaint. The parties further seek to resolve additional alleged air pollution control violations of the Act, Board regulations, and QC Finishers' Federally Enforceable State Operating Permit (FESOP), as identified in Section IV.C.2. of the stipulation. *See* Stipulation at 5-6. Under the stipulation and proposed settlement, QC Finishers

“denies all of the alleged violations in the Complaint which were not specifically admitted in its Answer, and neither admits nor denies all of the alleged violations described in SECTION IV.C.2 of this Stipulation.” *Id.* at 6. QC Finishers agrees to pay a civil penalty of \$149,600, which the parties stipulate “recovers any economic benefit obtained by [QC Finishers] from the alleged noncompliance.” *Id.* at 10.

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) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 2, 2004, by a vote of 5-0.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", written in a cursive style.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board