

ILLINOIS POLLUTION CONTROL BOARD

October 7, 2004

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

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

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 accepts the parties' stipulation and proposed settlement.

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.

The Board provided notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. The newspaper notice was published on September 1, 2004, in the following newspapers: *Elm Leaves*; *Forest Leaves*; *Franklin Park Herald-Journal*; *Maywood Herald*; *Melrose Park Herald*; *Northlake Herald-Journal*; *Oak Leaves*; *River Grove Messenger*; *Westchester Herald*; and *West Proviso Herald*. 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) (2002); 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. *See* 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 QC Finishers’ 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) (2002)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The People and QC Finishers have satisfied Section 103.302. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2002), *as amended by* P.A. 93-575, (eff. Jan. 1, 2004), which may mitigate or aggravate the civil penalty amount. 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. QC Finishers must pay a total civil penalty of \$149,600 in three installments as follows:
  - a. \$49,600 no later than 30 days after the date of this order;
  - b. \$50,000 no later than 12 months after the date of this order; and
  - c. \$50,000 no later than 24 months after the date of this order.
3. QC finishers must pay each installment of the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Agency, designated for deposit into the Environmental Protection Trust Fund. The case number, case name, and QC Finishers’ federal employer identification number must be included on each certified check or money order.

4. QC Finishers must send each certified check or money order to:

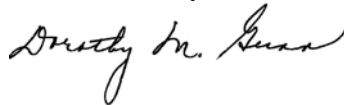
Illinois Environmental Protection Agency  
Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
6. QC Finishers 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) (2002); *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 October 7, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board