

ILLINOIS POLLUTION CONTROL BOARD
February 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-28
)	(Enforcement - Air)
PLASTIC DECORATORS, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On August 10, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Plastic Decorators, Inc. (Plastic Decorators). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The complaint concerns Plastic Decorators's automotive plastic parts manufacturing facility at 1330 Holmes Road, Elgin, Kane County. The parties now seek to settle. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2002)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2002); 35 Ill. Adm. Code 103. In this case, the People allege that Plastic Decorators violated Sections 9(a) and (b) and 9.1(d) of the Act (415 ILCS 5/9(a) and (b) and 9.1(d) (2000)) and 35 Ill. Adm. Code 201.141, 201.142, 201.143, 201.302 203.201, 203.203(a) and (b), 254.201, and 254.202. The People further allege that Plastic Decorators violated these provisions by (1) constructing a major modification in violation of New Source Review emissions control and offset requirements; (2) constructing emissions sources without a permit; (3) operating emissions sources without a permit; (4) constructing a major source in violation of New Source Review pre-construction review requirements; and (5) failing to submit annual emissions reports.

On December 17, 2004, the People and Plastic Decorators 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). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *The Courier News* on December 21, 2004. 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. 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 Plastic Decorators' 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.

Plastic Decorators neither admits nor denies the alleged violations. 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. Plastic Decorators agrees to pay a civil penalty of \$75,000, which the parties stipulate is at least as great as Plastic Decorators' economic benefit from delayed compliance, if any.

The People and Plastic Decorators have satisfied Section 103.302. 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. Plastic Decorators must pay a civil penalty of \$75,000:
 - a. A first installment of \$20,000 due no later than February 21, 2005, which is the first business day after the 30th day after the date of this order;
 - b. A second installment of \$13,750 due no later than May 20, 2005, which is the 120th day after the 30th day after the date of this order;
 - c. A third installment of \$13,750 due no later than August 18, 2005, which is the 120th day after May 20, 2005;
 - b. A fourth installment of installment of \$13,750 due no later than November 16, 2005, which is the 120th day after August 18, 2005; and
 - b. A fifth and final installment of \$13,750 due no later than February 13, 2006, which is the 120th day after November 16, 2005.

Plastic Decorators must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Plastic Decorators's social security number or federal employer identification number must be included on each certified check or money order.

3. Plastic Decorators must send each certified check or money order to:

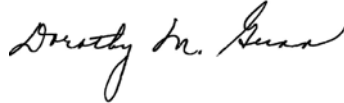
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. Plastic Decorators 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 February 3, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board