

ILLINOIS POLLUTION CONTROL BOARD

November 16, 2000

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-86
)	(Enforcement - Air)
RODGERS ENGINEERING)	
CORPORATION,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by M. McFawn):

On November 15, 1999, the People of the State of Illinois (People) filed a three-count complaint against respondent Rodgers Engineering Corporation (Rodgers Engineering), a manufacturer of thermostat polystyrene bulk molding compounds. The complaint alleges Rodgers Engineering failed to timely submit Clean Air Act permit applications, failed to submit annual emission reports, and constructed and operated new emission sources and new air pollution control equipment without a permit at its materials division facility in Elburn, Kane County, Illinois, and its two molding division facilities in Addison, Dupage County, Illinois. These activities were in alleged violation of Sections 9(a), 9(b), and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b), 39.5(6)(b) (1998)), Section 270.201 of the Illinois Environmental Protection Agency's rules at 35 Ill. Adm. Code 270.201(c), and the Board's air pollution regulations at 35 Ill. Adm. Code 201.142, 201.143, 201.302(a), 254.301(a), and 254.302.

On October 17, 2000, the parties filed a joint stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Kane County Chronicle* and the *Addison Press* on October 20, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent admits to the violations alleged by the People and agrees to pay a civil penalty of \$20,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Rodgers Engineering must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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 and Rodgers Engineering. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Rodgers Engineering must pay the sum of \$20,000. The penalty must be paid in two installments. The first payment, in the amount of \$12,250, must be made within 30 days of this order, that is, on or before December 16, 2000. The first payment must be paid by certified check or money order and made payable to the Illinois Environmental Protection Agency, for deposit into the "Environmental Protection Trust Fund." The second payment, in the amount of \$7,750, must be made within 60 days of this order, that is, on or before January 16, 2001. The second payment must be made by certified check or money order payable to the Illinois Environmental Protection Agency, for deposit into the "Clean Air Act Permit Fund." The case number, case name, and Rodgers Engineering Federal Employer Identification Number 36-271-7046 must also be included on the certified check or money order.
3. Each check or money order must be sent by first class mail to:

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

A copy of the payment transmittal and check must be simultaneously submitted to:

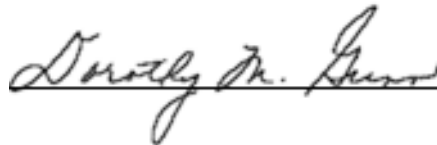
Zemeheret Bereket-Ab
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

4. Any penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Rodgers Engineering must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; 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 opinion and order was adopted on the 16th day of November 2000 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