

ILLINOIS POLLUTION CONTROL BOARD
December 19, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-29
)	(Enforcement - Air)
KIEHL ENGINEERING COMPANY, INC.)	
d/b/a THOMAS FOSTER GROUP, INC. and)	
UNITED PLASTICS GROUP, INC.,)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by W.A. Marovitz):

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 Kiehl Engineering Company, Inc. db/a/ Thomas Foster Group Inc. and United Plastics Group, Inc. (respondents). *See* 415 ILCS 5/31.1(c) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 108.202(c). The People allege that respondents violated Sections 9(a), (b), 9.1 and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a),(b), 9.1, and 39.5(6)(b) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002); and 35 Ill. Adm. Code 201.141, 201.142, 201.143, 201.144, 201.302(a), 205.310, 254.201, 254.202, 270.201 and 270.301(a) of the Board's regulations. The People further allege that respondents violated these provisions by emitting excess volatile organic material (VOM), constructing and operating an emission source without a permit, failing to timely submit a clean air act permit program (CAAPP) application, failing to timely submit an emissions reduction market system (ERMS) application, failing to submit annual emission reports, and violating Illinois new source review. The complaint concerns respondents' plastic parts manufacturing facility at 529 Thomas Drive, Bensenville, DuPage County.

On November 13, 2002, the People and respondents 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) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the Chicago *Sun-Times* on November 22, 2002. 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) (2000) *amended by* P.A. 92-0574, eff. June 26, 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

respondents' 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) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). The People and respondents have satisfied Section 103.302. Respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$175,000. 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. Respondents must pay a civil penalty of \$175,000 no later than January 20, 2003 *amended by* P.A. 92-0574, eff. June 26, 2002. Respondents must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' social security number or federal employer identification number must be included on the certified check or money order.
3. For purposes of payment and collection United Plastics Group, Inc. may be reached at the following address:

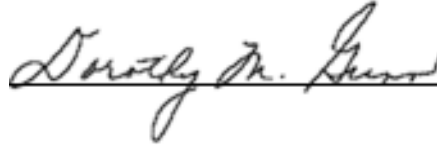
Mr. Peter Murphy
Gibson, Dunn & Crutcher, LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
4. Respondents must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
6. Respondents 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) (2000); *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 December 19, 2002, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board