ILLINOIS POLLUTION CONTROL BOARD January 9, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
V.) PCB 02-71) (Enforcement - Water)
FIC AMERICA CORPORATION, an Illinois corporation,) (Enforcement - water)
Respondent.)

ORDER OF THE BOARD (by N.J. Melas):

On December 6, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against FIC AMERICA CORPORATION (FIC). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege violations of the Board's Water Regulations and Sections 12(a), (b), (c), and (h) of the Environmental Protection Act (Act). 35 Ill. Adm. Code 309.202(a) and 307.4301(b)(1) and (2); 415 ILCS 5/12(a), (b), (c), and (h) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002. The People further allege that FIC violated these provisions by causing water pollution, illegally discharging into sewer works, and beginning construction of a new wastewater pretreatment system without a permit. The complaint concerns FIC's metal finishing facility located at 485 East Lies Road, Carol Stream, DuPage County.

On December 18, 2002, the People and FIC 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). Under the proposed stipulation and settlement, FIC admits the violations alleged in the People's complaint and agrees to pay a civil penalty of \$25,000.

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. 415 ILCS 5/31(c)(2) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board 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 January 9, 2003, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board