

ILLINOIS POLLUTION CONTROL BOARD
March 20, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-131
)	(Enforcement - Air)
FENTON PRESS, INC.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by J. Yi):

This matter comes before the Board upon a four-count complaint filed December 18, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Fenton Press, Inc. (Fenton Press), an Illinois corporation located at 1544 Wrightwood Court, Addison, DuPage County, Illinois. The complaint alleges that Fenton Press has violated Sections 9(a) and (b) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a), (b)) and 35 Ill. Adm. Code 201.142, 201.143, 212.309(a) and 218.405(c)(2) by constructing and operating an emission source without the required permits, failure to submit a fugitive particular matter operating program and failure to comply with record keeping and reporting requirements.

Pursuant to 415 ILCS 5/31(a)(2) (1994), the parties filed a joint motion requesting relief from the Act's hearing requirement on February 7, 1997. The Board published a notice of the waiver on February 14, 1997; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement Agreement on February 7, 1997. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Fenton Press admits the alleged violations and agrees to pay a civil penalty of thirteen thousand dollars (\$13,000.00). In addition Fenton agrees to pay the sum of three thousand five hundred dollars (\$3,500.00) for avoided annual site fees for a total sum of sixteen thousand five hundred dollars (\$16,500.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Fenton Press, Inc. (Fenton Press), an Illinois corporation located at 1544 Wrightwood Court, Addison, DuPage County, Illinois. The stipulation and settlement agreement are incorporated by reference as through fully set forth herein.
- 2) Fenton Press shall pay the sum of thirteen thousand dollars (\$13,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face Fenton Press Federal Employer Identification Number 36-2586409, and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and check shall be simultaneously submitted to:

Alyssa L. Fron
Assistant Attorney General
Environmental Bureau
100 West Randolph Street, 11th Floor
Chicago, Il. 60601

- 3) Additionally, Fenton Press shall pay the sum of three thousand five hundred dollars (\$3,500.00) for avoided annual site fees within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Permit and Inspection Fund, and shall be transmitted by First Class mail in the same manner as in paragraph #2:

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 4) Fenton Press shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this opinion and order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 ____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board