ILLINOIS POLLUTION CONTROL BOARD April 17, 2003

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

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

On December 20, 1999, 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 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). 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) (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) (2002). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002). See 35 III. 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 *Liberty Suburban Chicago Newspapers* on January 23, 2003. 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 III. 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 respondent's 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)). The People and respondents have satisfied Section 103.302. FIC admits the violations and agrees to pay a civil penalty of \$25,000. 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. FIC admits the violations alleged by the People and agrees to pay a civil penalty of \$25,000.
- 3. FIC must pay the civil penalty of \$25,000 no later than May 17, 2003, which is the 30th day after the date of this order, 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 (36-3991443) must be included on the certified check or money order.
- 4. FIC 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

A copy of the check shall be sent to:

Kendra Pohn Assistant Attorney General Environmental Bureau 188 West Randolph Street, 20th Floor Chicago, Illinois 60601

5. For the purposes of collection and notices, FIC may be reached at the following address:

Kathleen Nooney Piper Rudnick 203 North LaSalle Chicago, IL 60601

With a copy to:

FIC America Corporation Attn: Mr. William Murakami 485 East Lies Road Carol Stream, IL 60188

- 6. 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)).
- 7. FIC must cease and desist from future violations of the Act, 415 ILCS 5/1 et seq. (2002), and Board regulations at the site.

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 April 17, 2003, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board