

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DEC 16 2003

STATE OF ILLINOIS
Pollution Control Board

No. PCB 02-213

PEOPLE OF THE STATE OF ILLINOIS,)
by JAMES E. RYAN, Attorney)
General of the State of Illinois)
)
Complainant,)
)
v.)
)
ACTION ATHLETIC EQUIPMENT, INC.)
an Illinois corporation,)
)
Respondent.)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on December 16, 2003 the parties filed with the Pollution Control Board the following **ADDENDUM TO STIPULATION AND PROPOSAL FOR SETTLEMENT**, a true and correct copy of which is attached and hereby served upon you.

Respectfully submitted,

BY: Carolyn S Hesse
CAROLYN S HESSE
Attorney
Barnes & Thornburg
1 N. Wacker Drive
Chicago, IL 60606
(312) 214-8301

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois)
Complainant,)
v.)
ACTION ATHLETIC, INC., an Illinois)
Corporation,)
Respondent.)

No. PCB 02-213

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STATE OF ILLINOIS
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ADDENDUM TO STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and Respondent, ACTION ATHLETIC, INC. ("Action Athletic") (collectively, "the parties"), an Illinois corporation, do hereby submit this Addendum to the Stipulation and Proposal for Settlement to the Illinois Pollution Control Board ("Board") for approval.

1. On May 31, 2002, Complainant filed a complaint against Action Athletic alleging violations of the Illinois Environmental Protection Act and Board's Air Pollution Regulations.

2. On October 3, 2003, the parties filed a Stipulation and Proposal for Settlement ("Stipulation") with the Board.

3. The Stipulation, in pertinent part, called for Action Athletic to pay \$28,000 within 30 days of the date of entry of the Stipulation. Payment of the \$28,000 was to be divided as follows:

a. Payment of a civil penalty of \$25,198.21 was to be made by certified check or money order payable to the Illinois Environmental Protection Agency ("Illinois EPA") and designated to the Environmental Protection Trust Fund.

b. Payment of permit fees in the amount of \$2,801.79 was to be made by certified check or money order payable to Illinois EPA and designated to the Bureau of Air Permit Fund.

4. On December 4, 2003, the Board entered an order accepting the Stipulation and directed Action Athletic to pay \$28,000 to Illinois EPA by January 3, 2004. However, the Board directed Action Athletic to designate the entire \$28,000 payment to the Environmental Protection Trust Fund.

5. In order to truly reflect the Stipulation, the parties request that the Board issue an amended order accepting the Stipulation. In the amended order, the Parties request that the Board order Action Athletic to pay \$28,000 to Illinois EPA, divided as follows: Designating a civil penalty of \$25,198.21 to the Environmental Protection Trust Fund and designating permit fees of \$2,801.79 to the Bureau of Air Permit Fund.

6. The parties also request that the amended order extend the deadline for payment of the civil penalty and permit fees. The parties request that the Board allow Action Athletic to pay the civil penalty and permit fees within 30 days of the entry of the amended order.

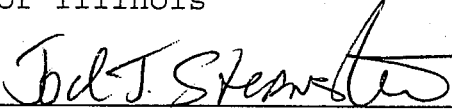
7. No other part of the Stipulation will change in the amended order, and the parties request that the Board incorporate the Stipulation into the amended order by reference.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General
State of Illinois

ACTION ATHLETIC INC.

BY:



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BY:



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SERVICE LIST

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CERTIFICATE OF SERVICE

I, CAROLYN S. HESSE, certify that on the 16th day of December 2003, I caused to be served by First Class Mail the foregoing **ADDENDUM TO STIPULATION AND PROPOSAL FOR SETTLEMENT** to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service.

Carolyn S. Hesse
CAROLYN S. HESSE