

ILLINOIS POLLUTION CONTROL BOARD

June 7, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-75
)	(Enforcement – Air)
CRAIG YALLALY and SUSAN YALLALY)	
d/b/a COURTESY CLEANERS,)	
)	
Respondents.)	

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

On October 27, 2000, the People of the State of Illinois (People) filed a two-count complaint against respondents Craig Yallaly and Susan Yallaly d/b/a Courtesy Cleaners. The complaint alleges that respondents failed to maintain records and conduct inspections with respect to the purchase and handling of perchloroethylene used at dry cleaning facilities located in Mattoon, Coles County, Illinois, and Danville, Vermilion County, Illinois. This activity was alleged to be in violation of Section 9(b) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(b) and 5/9.1(d) (2000)); the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for dry cleaning facilities using perchloroethylene at 40 C.F.R. 63.322(a), 63.322(k), 63.323(a)(1), 63.324(d)(1) through 63.324(d)(4), and 63.324(e); and several special conditions in the operating permits for the two establishments.¹

On May 1, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Commercial-News* on May 2, 2001 and *The Journal-Gazette Times-Courier* on May 3, 2001. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondents admit to the violations alleged by the People, and agree to pay a civil penalty of \$5,000.

¹ Complainant also alleges that respondents allegedly violated 40 C.F.R. 324(d)(3), 324 (d)(4), and 324(e). These sections of Title 40 of the C.F.R. do not exist. The Board assumes that complainant intended to allege violations of 40 C.F.R. 63.324(d)(3), 63.324 (d)(4), and 63.324(e), respectively.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Respondents shall continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings 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 respondents. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondents must pay a civil penalty of \$5,000. Payment must be made within 30 days of the date of this order, that is, on or before July 7, 2001. Such payment must be made by certified check or money order payable to the Illinois Environmental Protection Agency, for deposit in the Environmental Protection Trust Fund. The case number, case name, and Respondent's Federal Employer Identification number 37-1341567 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order must be sent by first class mail 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 payment transmittal and check shall be simultaneously submitted to:

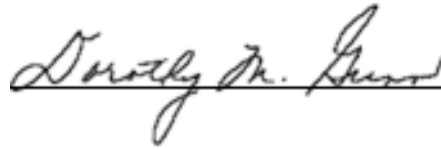
 Office of the Attorney General
 Donna Lutes, Environmental Bureau
 500 South Second Street
 Springfield, Illinois 62706
4. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (2000)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

5. Respondents shall cease and desist from future alleged violations of any federal, State, or local environmental statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of June 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board