

ILLINOIS POLLUTION CONTROL BOARD
April 7, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	
)	
DRAW DRAPE CLEANERS, INC., an Illinois)	PCB 03-51
corporation, AMERICAN DRAPER)	(Enforcement - Air)
CLEANERS & FLAMEPROOFERS, INC., an)	
Illinois corporation, and RICHARD ZELL, an)	
Illinois resident,)	
)	
Respondents.)	

ORDER OF THE BOARD (by J.P. Novak):

On October 15, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Draw Drape Cleaners, Inc. On December 30, 2003, the People filed an amended complaint against Draw Drape Cleaners, Inc., American Drapery Cleaners & Flameproofers, Inc., and Richard Zell (respondents). See 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The complaints concern the respondents' petroleum dry cleaning facility at 2235-2239 West Roscoe, Chicago, Cook County.

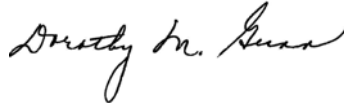
The People allege in the amended complaint that the respondents violated Sections 9(a) and (b) and 9.1(d) of the Environmental Protection Act (415 ILCS 5/9(a) and (b) and 9.1(d) (2002)); 35 Ill. Adm. Code 201.141 through 201.143, 218.607, and 218.610; and 40 C.F.R. 60.622 and 60.624. The People further allege that the respondents violated these provisions by (1) causing or allowing air pollution; (2) failing to comply with emissions regulations applicable to dry cleaners; (3) failing to comply with emissions testing requirements applicable to dry cleaners; (4) constructing an air emissions source without a permit; (5) operating an emission source without a permit; (6) failing to comply with condition 5 of federally enforceable state operating permit (FESOP) No. 95100005; (7) installing a non-solvent recovery dryer and failing to have a cartridge filter in dryer #2; and (8) failing to perform an initial flow rate test for dryer #2.

On March 21, 2005, the People and the respondents' 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 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondents' neither admit nor deny the alleged violations but agree to pay a civil penalty of \$5,000.

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); 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 April 7, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board