

ILLINOIS POLLUTION CONTROL BOARD
March 16, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 00-97
) (Enforcement - Air)
SOUTHERN MOLD, INC., an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by M. McFawn):

On February 3, 2000, complainant filed a stipulation and proposal for settlement, accompanied by an agreed motion requesting relief from the hearing requirement imposed by Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)). Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)) specifically authorizes such filings by the parties to an enforcement action. In accordance with Section 31(c)(2), the Board directed the Clerk of the Board to cause publication of notice of the stipulation and proposal for settlement in a newspaper of general circulation in the county in which the alleged violation occurred. On February 5, 2000, the notice was published in Williamson County, Illinois, in the *Marion Daily Republican*.

Under Section 31(c)(2), any person may file a written demand for hearing within 21 days after publication of the notice. No request for hearing was received by the Board within the 21-day time period. The Board therefore may, and will, grant the agreed motion for relief from the hearing requirement.

The five-count amended complaint filed in this case alleges that respondent Southern Mold, Inc. (Southern Mold) violated the Act and its implementing regulations by causing air pollution (count I), emitting chromium into the air in excess of the regulatory limit (count II), failing to conduct an initial performance test (count III), failing to obtain a construction permit (count IV), and operating an emission source without a permit (count V). Under the proposed settlement, Southern Mold admits the alleged violations and agrees to pay a civil penalty of \$500.

The stipulation submitted by the parties sets forth facts relating to Southern Mold's operations, the alleged violations, and the factors considered by the Board under Sections 33(c) and 42(h) of the Act, 415 ILCS 5/33(c), 42(h) (1998), in crafting final orders and determining monetary penalties. Based on the facts set forth in the stipulation, the Board concludes that the proposed settlement is reasonable. The Board will accept the proposal for settlement.

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

ORDER

1. The hearing requirement of Section 31(c)(1) of the Act is waived in this case.
2. The Board accepts the "Stipulation and Proposal for Settlement" executed by the People of the State of Illinois, the Illinois Environmental Protection Agency, and Southern Mold.
3. Southern Mold must pay a civil penalty of \$500 within 90 days of the date of this order.
4. Payments must be made by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The name and number of this case and Southern Mold's federal employer identification number (37-1186207) must appear on the face of the payment check or money order. Payment must be delivered to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

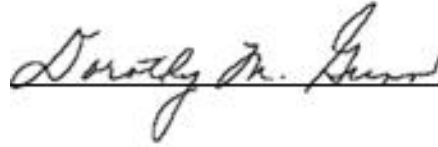
A copy of the payment transmittal and check or money order must be simultaneously sent to:

Office of the Attorney General
Donna Lutes, Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

5. Southern Mold must cease and desist from further violations of any federal, state or local environmental statutes or regulations. Southern Mold must maintain compliance with the specific criteria outlined in the Illinois Environmental Protection Agency's July 7, 1999 approval of Southern Mold's waiver of the chromium performance test requirement. In the event that these criteria are no longer satisfied, or in the event that the United States Environmental Protection Agency alters or rescinds these waiver criteria, Southern Mold may be required to demonstrate compliance with the emission limitation by conducting an initial performance test in accordance with 40 C.F.R. 63.Subpart N.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 16th day of March 2000 by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board