

ILLINOIS POLLUTION CONTROL BOARD
February 3, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 00-105
) (Enforcement – Air)
BRITT INDUSTRIES, INC., an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On December 21, 1999, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that Britt Industries, Inc. (respondent) violated Sections 9(b) and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(b), 39.5(6)(b) (1998)) and 35 Ill. Adm. Code 201.142, 201.143, and 270.301(a) by constructing and operating emission sources and air pollution control equipment without a permit and operating a major stationary source without a Clean Air Act Permit Program permit.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), 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 *Daily Herald News* on December 24, 1999. 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. Respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$18,000. Respondent must 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 Britt Industries, Inc., an Illinois corporation, concerning its facility located at 3010 Malmo Road, Arlington

Heights, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

2. Respondent shall pay the sum of \$18,000 within 30 days of the date of this order. Such payment shall be made by certified check (or money order) payable to the Treasurer of the State of Illinois. The case number, case name, and respondent's federal employer identification number (36-3316287) shall be included on the check (or money order). The check (or money order) also must clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check (or money order) shall be sent by first class mail 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) shall be simultaneously submitted to:

Bradley P. Halloran
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601

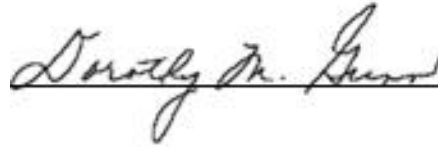
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

4. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 establish such filing requirements. See 172 Ill. 2d R. 335; see also Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 3rd day of February 2000 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board