

ILLINOIS POLLUTION CONTROL BOARD

October 19, 2000

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 00-203  
 ) (Enforcement - Air)  
 BARRON INDUSTRIES, INC., an Illinois corporation, )  
 )  
 Respondent. )  
 )

OPINION AND ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On May 26, 2000, the People of the State of Illinois (People) filed a seven-count complaint against respondent Barron Industries, Inc. (Barron), a finisher of metal products. The complaint alleges that Barron failed to comply with volatile organic material and hazardous air pollutant emissions limitations, constructed emission sources without a permit, operated emission sources without a permit, failed to comply with batch vapor and in-line cleaning machine standards, failed to comply with monitoring procedures, failed to comply with record keeping requirements, and failed to comply with reporting requirements at its facility located at 129 Morgan Street, Rockford, Winnebago County, Illinois. These activities were in alleged violation of Section 9(b), 9.1(d) and (d)(2) of the Environmental Protection Act (Act) (415 ILCS 5/9(b), 5/9.1(d)(1), (d)(2) (1998)); Sections 201.142 and 201.143 of the Board's air pollution regulations (35 Ill. Adm. Code 201.142, 201.143); Sections 63.343(e)(1), (e)(2), and (e)(4), 63.466(a)(1), (a)(2), (b)(2) and (c)(1), (d), 63.467(b)(1) and 63.468(f) of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. § 63.343(d)(1), (e)(2), (e)(4), 63.466(a)(1), (a)(2), (b)(2), (c)(1), (d), 63.467(b)(1), 63.468(f)); and special conditions 1a and 8 of Barron's Federally Enforceable State Operating Permit (FESOP).

On September 18, 2000, the parties filed a joint 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) (1998)). 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 Rockford Register Star* on September 23, 2000. 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. Barron admits the violations alleged in count I, IV, V, VI, and VII. Barron denies the violations as alleged in counts II and III, constructing and operating an emission source without a permit. Barron agrees to pay a civil penalty of \$20,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Barron 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 and Barron. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

2. Barron must pay the sum of \$20,000. Payment must be made within 30 days of the date of this order, that is, on or before November 19, 2000. Such payment must be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Barron's federal identification number 36-3050995 must also be included on the certified check or money order and must 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 must be simultaneously submitted to:

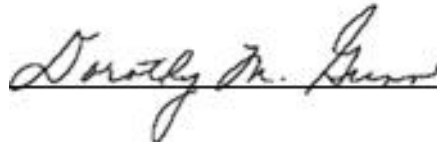
Kelly Cartwright  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
188 W. Randolph St., 20th Floor  
Chicago, Illinois 60601

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 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.
5. Respondent must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

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 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 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 19th day of October 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board