ILLINOIS POLLUTION CONTROL BOARD November 17, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
)	
V.)	PCB 04-13
)	(Enforcement - Air)
INTERMATIC INCORPORATED, a)	
Delaware corporation,)	
)	
Respondent.)	

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

On July 28, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Intermatic Incorporated (Intermatic). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Intermatic violated several provisions of the Environmental Protection Act (Act) and Board rules (415 ILCS 5/9(a) and (b), 9.1(d)(1), 39.5(6)(a) and (b) (2004); 35 Ill. Adm. Code 201.142, 203.201, 203.203(a) and (b), 205.150(c), 205.205(a), 205.720, 218.105(d)(2)(A)(iii)) by way of operating five sheet-fed offset printing presses.

The People further allege that Intermatic violated these provisions by: (1) failing to obtain a construction permit for any of the five presses; (2) failing to modify a Clean Air Act permit before operating the fifth press; (3) failing to comply with Emission Reduction Marketing System Requirements; (4) constructing a major modification to a source (the fifth press) without complying with New Source Review requirements; (5) failing to comply with volatile organic material emissions limitations; (6) failing to comply with idling emission limitations; (7) failing to properly maintain and operate a carbon adsorber; (8) failing to submit idling emission limit exceedance reports and compliance certifications; and (9) failing to submit annual compliance certifications. The complaint concerns Intermatic's facility located at 7777 Winn Road, Spring Grove, McHenry County, where it manufactures electrical items such as low voltage lighting, professional lighting, photo controllers, surge suppressor strips, and timers.

On October 11, 2005, the People and Intermatic 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 III. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the Northwest Herald on October 14, 2005. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 35 III. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Intermatic's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Intermatic have satisfied Section 103.302. Intermatic neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$30,957. In addition to the civil penalty, Intermatic agrees to undertake a supplemental environmental project (SEP). Intermatic has agreed to reduce its penalty demand of \$90,000, or 70%, exclusive of alleged economic benefit of noncompliance, in recognition of the performance of the SEP.

Pursuant to the stipulation and proposed settlement, Intermatic must replace the halogenated solvent trichloroethylene degreaser it currently uses with the non-halogenated solvent, Durr Universal Model 81C. According to the stipulation and proposed settlement, the SEP will significantly reduce the volatile organic material (VOM) and hazardous air pollutant emissions from the facility. Intermatic estimates the reduction in VOM emissions of at least nine tons per year. The Board accepts the stipulation and proposed settlement.

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

ORDER

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Intermatic Incorporated (Intermatic) must pay a civil penalty of \$30,957 no later than December 2, 2005, which is the 14th day after the date of this order. Intermatic must pay the civil penalty by certified check, money order, or electronic funds payable to Environmental Protection Trust Fund. The case number, case name, and Intermatic's social security number or federal employer identification number must be included on the certified check or money order.
- 3. Intermatic must send the certified check or money order to:

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

Intermatic must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to:

Christopher P. Perzan Assistant Attorney General Envrionmental Bureau 188 W. Randolph Street, 20th Floor Chicago, Illinois 60601

Maureen Wozniak Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 60294-9276

- 4. Intermatic must begin implementation of the supplemental environmental project, in accordance with the stipulation and proposed settlement, on or before December 2, 2005, which is the 14th day after the date of this order.
- 5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
- 6. Intermatic must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 17, 2005, by a vote of 4-0.

Drucky In. June

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board