ILLINOIS POLLUTION CONTROL BOARD July 12, 2007

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

On November 22, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Oasis Industries, Inc. (Oasis Industries). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns Oasis Industries' fiberglass bathtub and shower stall manufacturing facility at 1600 Mountain Road, Aurora, Kane County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that, for various periods beginning in 2001, Oasis Industries violated Sections 9(a) and (b) and 39.5(6)(b) of the Act (415 ILCS 5/9(a) and (b) and 39.5(6)(b) (2006)); 35 Ill. Adm. Code 201.302(a), 203.201, 203.301(b) and (d)(1) through (d)(3), 203.302(a)(1)(D), 205.310(a)(2), and 254.132(a); and condition 1 of joint construction and operating permit no. 98020084, by (1) operating a major source without a Clean Air Act Permit Program permit; (2) construction of a major source in violation of new source review requirements; (3) failing to meet the lowest achievable emission rate requirements; (4) failing to timely file an Emission Reduction Market System application; (5) exceeding emissions allowed by permit; and (6) failing to file accurate and complete annual emissions reports.

On June 29, 2007, the People and Oasis Industries 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Oasis Industries denies the alleged violations but agrees to pay a civil penalty of \$40,000.

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) (2006); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 12, 2007, by a vote of 4-0.

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John T. Therriault, Assistant Clerk Illinois Pollution Control Board