

ILLINOIS POLLUTION CONTROL BOARD

September 6, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-98
)	(Enforcement–Air)
OASIS INDUSTRIES, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

OPINION AND 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.

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 Environmental Protection Act (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)). *See* 35 Ill. 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 Beacon News* on August 4, 2007. 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) (2006); 35 Ill. 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

Oasis Industries' 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) (2006)). The People and Oasis Industries have satisfied Section 103.302. Oasis Industries denies the alleged violations but agrees to pay a civil penalty of \$40,000. 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. Oasis Industries must pay a civil penalty of \$40,000 no later than Tuesday October 9, 2007, which is the first business day after the 30th day after the date of this order. Oasis Industries must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Agency and designated to the Illinois Environmental Protection Trust Fund. The case number, case name, and Oasis Industries' federal employer identification number must be included on the certified check or money order.
3. Oasis Industries must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. A copy of the certified check or money order must be sent to:

Zemeheret Bereket-Ab
Assistant Attorney General
Environmental Bureau
188 W. Washington St., 20th Floor
Chicago, IL 60602
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).
6. Oasis Industries 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) (2006); *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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 6, 2007, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board