

ILLINOIS POLLUTION CONTROL BOARD

November 21, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-29
)	(Enforcement - Air)
KIEHL ENGINEERING COMPANY, INC.)	
d/b/a THOMAS FOSTER GROUP, INC. and)	
UNITED PLASTICS GROUP, INC.,)	
)	
Respondents.)	

ORDER OF THE BOARD (by W.A. Marovitz):

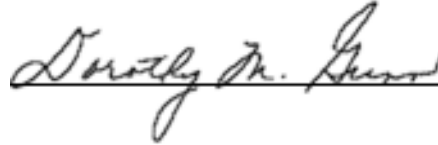
On August 10, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Kiehl Engineering Company, Inc. d/b/a Thomas Foster Group, Inc and United Plastics Group, Inc. (respondents). *See* 415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 9(a), (b), 9.1 and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a),(b), 9.1, and 39.5(6)(b) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002); and 35 Ill. Adm. Code 201.141, 201.142, 201.143, 201.144, 201.302(a), 205.310, 254.201, 254.202, 270.201 and 270.301(a) of the Board's regulations. The People further allege that respondents violated these provisions by emitting excess volatile organic material (VOM), constructing and operating an emission source without a permit, failing to timely submit a clean air act permit program (CAAPP) application, failing to timely submit an emissions reduction market system (ERMS) application, failing to submit annual emission reports, and violating Illinois new source review. The complaint concerns respondents' plastic parts manufacturing facility at 529 Thomas Drive, Bensenville, DuPage County.

On November 13, 2002, the People and respondents 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) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$175,000.

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) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 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, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 21, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board