

ILLINOIS POLLUTION CONTROL BOARD

July 8, 1998

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 97-62  
) (Enforcement - Air)  
GEON COMPANY, a Delaware )  
corporation, )  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a formal complaint filed on October 2, 1996, by the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois, against respondent Geon Company, a Delaware corporation, located in Henry, Marshall County, Illinois. On February 17, 1998, complainant filed an amended two-count complaint. The complaint alleges that respondent violated Sections 9(a), 9(b), and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b), 9.1(d) (1996)), 42 U.S.C. § 7412(I)(3), 40 CFR 61.45(a) (1993), 35 Ill. Adm. Code 201.141 and operating Permit No. 7305009 by causing or allowing air pollution and discharging fugitive particulate matter emissions.<sup>1</sup>

On May 19, 1998, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulations and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the request for waiver on May 27, 1998. The Board did not receive any objections to the granting of the waiver. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondent denies the alleged violations, but agrees to pay a total civil penalty of \$20,000.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any

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<sup>1</sup> While the Board does not generally enforce the provisions of the Code of Federal Regulations (CFR), Section 9.1(d)(1) of the Act (415 ILCS 5/9.1(d)(1) (1996)) authorizes the enforcement of Sections 111, 112, 165, and 173 of the Clean Air Act and the regulations adopted pursuant thereto.

federal, State or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Geon Company, a Delaware corporation, located in Henry, Marshall County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$20,000 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by first class mail to:

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

The certified check or money order shall clearly indicate on its face respondents' federal employer identification number, 34-21730488, and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by first class mail to:

Attorney General's Office  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 60601

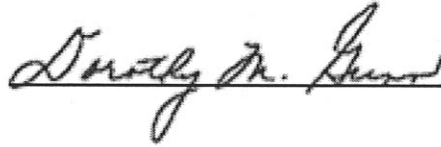
Any portion of such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days 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 8th day of July 1998 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board