

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-245
) (Enforcement - RCRA)
PAMARCO, INC., a Maryland)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

On May 29, 1996, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a five-count complaint against Pamarco, Inc. (Pamarco), a Maryland corporation located at First and Waters Streets, Batavia, Kane County, Illinois. The complaint alleges that Pamarco violated Section 21(f)(1) and (2) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(f)(1) and (2) (1994)) and Board regulations at 35 Ill. Adm. Code 703.121, 722.140, 725.116, 725.151, 725.152, and 728.107 by operating a hazardous waste storage facility without a permit, by failing to train personnel, by failing to maintain an adequate contingency plan, by failing to maintain adequate records, and by improper land disposal restriction analysis and recordkeeping.

Pursuant to 415 ILCS 5/31(c)(2) (P.A. 89-596, eff. August 1, 1996), the Illinois Attorney General filed a motion requesting relief from the Act's hearing requirement on April 14, 1997. The Board published a notice of the requested waiver on April 17, 1997. No objection to granting the waiver was received. Waiver of hearing is hereby granted.

A Stipulation and Proposal for Settlement (Settlement Agreement) was filed on April 14, 1997. The Settlement Agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. Pamarco neither admits nor denies the alleged violations and agrees to pay a total civil penalty of twelve thousand, five hundred dollars (\$12,500.00). The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180.

The Settlement Agreement in no way affects Pamarco's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

ORDER

- 1) The Board hereby accepts the Stipulation and Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and Pamarco, Inc. (Pamarco), a Maryland corporation located at First and Waters Streets, Batavia, Kane County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
- 2) Pamarco shall pay the sum of twelve thousand, five hundred dollars (\$12,500.00) 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
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face the case name and number, along with Pamarco's Federal Employer Identification Number (22-1430432).

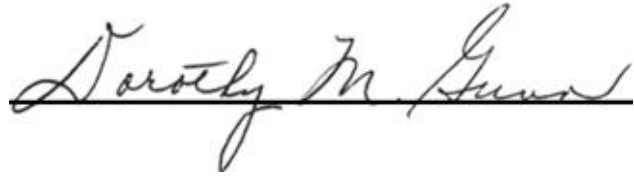
Any such penalty not paid within the time prescribed shall accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

- 3) Pamarco shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this opinion and order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 15th day of May, 1997, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board