

ILLINOIS POLLUTION CONTROL BOARD  
November 2, 1995

PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 95-176  
 ) (Enforcement-Air)  
 PRO-PAK INDUSTRIES, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon an two-count complaint filed June 20, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency (Agency) and the People of the State of Illinois, against Pro-Pak Industries, Inc. (Pro-Pak), an Illinois corporation regarding its facility, located at 1099 Atlantic Drive, West Chicago, DuPage County, Illinois. The complaint alleges that Pro-Pak has violated Section 9(b) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/9(b) and 35 Ill. Adm. Code 201.142 and 201.143 by constructing and operating emission sources without the proper permits.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint Motion requesting relief from the Act's hearing requirement on October 3, 1995. The Board published a notice of the waiver on October 6, 1995; no objection to granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on October 3, 1995. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Pro-Pak neither admits nor denies the alleged violations and agrees to pay a civil penalty of one thousand five hundred dollars (\$1,500.00).

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 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 Settlement Agreement executed by the People of the State of Illinois and Pro-Pak, concerning its two facility, located at 1099 Atlantic Drive, West Chicago, DuPage County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Pro-Pak, shall pay the sum of one thousand five hundred dollars (\$1,500.00) 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 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 Pro-Pak's Federal Employer Identification Number 36-3813523 and that payment is directed to the Environmental Protection Trust Fund.

Any 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), 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) Pro-Pak shall at all times maintain compliance with the terms and conditions of FESOP #93100075 issued by the Agency on July 17, 1995.
- 4) Pro-Pak shall cease and desist from further violations of the Act and the regulations promulgated thereunder.
- 5) Pro-Pak shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

Section 41 of the Environmental Protection Act (415

ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion 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 \_\_\_\_\_ day of \_\_\_\_\_, 1995 by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board