

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1996

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 94-260
) (Enforcement - RCRA)
COMPONENTS CORPORATION OF)
AMERICA, a New York corporation,)
)
Respondent.)

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

This matter comes before the Board upon a six-count complaint filed September 21, 1994, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Components Corporations of America (Components), a New York corporation located at 501 South Reed Street, Robinson, Crawford County, Illinois. The complaint alleges that Components violated Sections 21(f)(1), 21(f)(2) and 42(f) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(f)(1), (2)), and 35 Ill. Adm. Code 703.121(a) and (b), 725.113(a) and (b), 725.114(b) and (c), 725.117(a) and (b), 725.271, 725.275(a), 725.273(b), 725.274, 725.131, 725.132, 725.137, 725.151(a), 725.155, 725.173, 725.175, 725.212(a), 725.242(a), and 728.107(a) of the Board's Waste Disposal Regulations. These regulations pertain to, among other things, hazardous waste storage, treatment and disposal operations, RCRA permit requirements, waste analysis requirements, waste analysis plans, and closure plans.

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint motion requesting relief from the Act's hearing requirements on September 23, 1996. The Board published a notice of the waiver on September 25, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on September 23, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Components neither admits nor denies the alleged violations and agrees to pay a civil penalty of twenty three thousand dollars (\$23,000.00).

The Board finds that 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 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 Components Corporations of America, a New York corporation, located at 501 South Reed Street, Robinson, Crawford County, Illinois. The Stipulation and Settlement Agreement is incorporated by reference as though fully set forth herein.
- 2) Components shall pay the sum of twenty three thousand dollars (\$23,000.00) 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, Components Federal Employer Identification Number and that payment is directed to the Environmental Protection Trust Fund.

- 3) Components shall also pay the sum of one thousand dollars (\$1,000.00) within 60 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 Hazardous Waste Fund, in the same manner and to the same address provided in paragraph 2 above:

The certified check or money order shall clearly indicate on its face Respondent's Federal Employer Identification Number or Social Security Number, and that payment is directed to the Hazardous Waste 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.

- 4) Components 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 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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board