

ILLINOIS POLLUTION CONTROL BOARD  
October 17, 1996

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 96-219  
) (Enforcement - RCRA)  
MCLAUGHLIN BODY COMPANY, an )  
Illinois corporation, )  
)  
Respondent. )

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

This matter comes before the Board upon a five-count complaint filed April 23, 1996 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 McLaughlin Body Company (McLaughlin Body), an Illinois corporation located at 1400 Fifth Street, East Moline, Rock Island County, Illinois. The complaint alleges that McLaughlin Body violated Section 21(f) (1) and (2) of the Environmental Protection Act (Act), (415 ILCS 5/21(f)(1) and (2)) and 35 Ill. Adm. Code 703.150(a), 721.103, 722.144(a), 725.137, 725.151(a), 725.152, and 725.153 of the Board's regulations by operating a hazardous waste storage site without a permit, failure to submit a permit application, failure to make arrangements with local authorities, failure to maintain a contingency plan, and failure to submit an annual report.

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint motion requesting relief from the Act's hearing requirements on August 23, 1996. The Board published a notice of the waiver on September 5, 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 6, 1996. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. McLaughlin Body admits the alleged violations and agrees to pay a civil penalty of \$10,000.

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 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 McLaughlin Body Company, an Illinois corporation located at 1400 Fifth Street, East Moline, Rock Island County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. McLaughlin Body shall pay the sum of \$10,000 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 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, McLaughlin Body's federal employer identification number 36-1458029 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. McLaughlin Body shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders 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 \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board