

ILLINOIS POLLUTION CONTROL BOARD
October 18, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-5
)	(RCRA Enforcement)
ROECKER CABINETS, INC. d/b/a)	
ROECKER CABINET & MILLWORK,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On July 7, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Roecker Cabinets, Inc. (Roecker). See 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Roecker violated Section 21(f)(1),(2), and (i) of the Environmental Protection Act (Act) (415 ILCS 5/21 (f)(1),(2), and (i) (2000)) and the Board's waste disposal regulations at 35 Ill. Adm. Code 703.121, 703.150(a), 724.113, 724.114, 725.115(a),(b),(c),(d), 724.116, 724.131, 724.132, 724.133, 724.134, 724.137, 724.153(a), 724.155, 724.174, 724.175, 724.212(a), 724.242, 724.273, 724.274, 724.151(a), 722.111, and 808.121(a). The People further allege that Roecker violated these provisions by operating without a site permit, failing to conduct and maintain waste analysis, inadequate security, failing to inspect, failing to train personnel, improper maintenance of the facility, improper alarm system, improper access to alarm, failing to make arrangements with local authorities, failing to maintain contingency plan, failing to appoint an emergency coordinator, failing to furnish required records, failing to submit an annual report, failing to submit a closure plan, failing to have a cost estimate for the closure, improper management of containers, failing to inspect container storage areas, improper storage of ignitable waste area, and failing to perform hazardous waste determination area. Roecker is located at 850 North Main Street, Morton, Tazewell County, and manufactures cabinets for kitchens and bathrooms.

On September 6, 2001, the People and Roecker filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in *Morton Times-News* on September 19, 2001. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Roecker's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and Roecker have satisfied Section 103.302. Roecker admits the alleged violations and agrees to pay a civil penalty of \$7,500. The Board accepts the stipulation and proposed settlement.

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

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Roecker Cabinets Inc. (Roecker) must pay a civil penalty of \$7,500 no later than November 19, 2001, which is the 30th day after the date of this order. Roecker must pay the civil penalty by certified check or money order, payable to Environmental Protection Trust Fund. The case number, case name, and Roecker's social security number or federal employer identification number must be included on the certified check or money order.
3. Roecker must send the certified check or money order to:

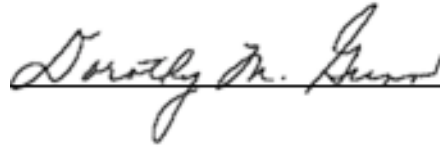
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Roecker must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews

administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 18, 2001, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board