ILLINOIS POLLUTION CONTROL BOARD November 15, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)))	
V.)	PCB 01-151
DIAMOND PLATING COMPANY, an)	(RCRA Enforcement)
Illinois corporation,)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On May 8, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Diamond Plating Company (Diamond). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Diamond violated Section 722.141 of the Board's regulations by failing to submit a Hazardous Waste Generator Annual Report for 1998. The complaint concerns Diamond's nickel and chrome plating facility at #5 Cain Drive in Madison, Madison County.

On October 11, 2001, the People and Diamond filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (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 III. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Telegraph* on October 12, 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 III. 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 Diamond'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 Diamond have satisfied Section 103.302. Diamond admits the alleged violation(s) and agrees to pay a civil penalty of \$4,000. 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. Diamond must pay a civil penalty of \$4,000 no later than December 15, 2001, which is the 30th day after the date of this order. Diamond must pay the civil penalty by certified check or money order, payable to Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and Diamond's federal employer identification number (37-0800564) must be included on the certified check or money order.
- 3. Diamond 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

A copy of the transmittal and check shall be simultaneously submitted to:

Office of the Attorney General Donna Lutes, Environmental Bureau 500 S. Second Street Springfield, Illinois 62706

- 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. Diamond 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 November 15, 2001, by a vote of 7-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board