

ILLINOIS POLLUTION CONTROL BOARD
August 24, 1995

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 96-7
) (Enforcement-RCRA)
 ACME WILEY CORPORATION,)
 an Illinois corporation,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon a fourteen-count complaint filed July 12, 1995, 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 Acme Wiley Corporation (Acme), an Illinois corporation located at 2480 Greenleaf Avenue, Elk Grove Village, Cook County, Illinois.

The complaint alleges that Acme has violated Sections 21(e), 21(f)(1) and (2), and 21(i), of the Illinois Environmental Protection Act (Act), 415 ILCS 5/21(e), 5/21(f)(1)(2), 5/21(1) and 35 Ill. Adm. Code 703.121(a), 703.151(a), 722.111, 722.112(a), 722.134(c), 722.140(c), 722.141(a), 725.111, 725.113(a) and (b), 725.114(a), (b) and (c), 725.115(a), (b) and (c), 725.116(a), 725.117(a) and (b), 725.131, 725.132, 725.135, 725.137, 725.151(a), 725.155, 725.156, 725.173, 725.175, 725.212(a), 725.274, 725.276, 728.107(a) and (a)(1), 728.150(a), and 809.301 for operating a hazardous waste storage facility without a permit, failure to perform hazardous waste determination, violation of standards applicable to generators of hazardous waste, violation of general standards for hazardous waste storage facility, violation of prevention standards, failure to have a contingency plan, violation of record keeping requirement, violation of reporting requirement, violation of closure requirement, violation of waste container requirement, violation of location requirement for ignitable or reactive waste, violation of land disposal requirement, restricted waste storage violations and violation of special waste delivery requirement.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on July 12, 1995. The Board published a notice of the waiver on July 15, 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 July 12, 1995. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Acme neither admits nor deny the alleged violations and agrees to pay a civil penalty of forty two thousand five hundred dollars (\$42,500.00).

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 Acme Wiley Corporation, an Illinois corporation located at 2480 Greenleaf Avenue, Elk Grove Village, Cook County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) Respondent shall pay the sum of forty two thousand five hundred dollars (\$42,500.00). Payment of fourteen thousand five hundred dollars (\$14,500.00) shall be made within 30 days (September 23, 1995) of the date of this Order. Payment of fourteen thousand dollars (\$14,000.00) shall be made within 60 days (October 23, 1995) of the date of this Order. Final payment of fourteen thousand dollars (\$14,000.00) shall be made within 90 days (November 22, 1995) 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, Acme's Federal Employer Identification Number 36-0703295 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) Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

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 24th day of August, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board