

ILLINOIS POLLUTION CONTROL BOARD
December 1, 1994

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 94-134
)	(Enforcement)
BAKLEY CONSTRUCTION CORPORATION)	
a Illinois Corporation,)	
)	
Respondent.)	

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

This matter comes before the Board upon a complaint filed April 22, 1994, on behalf of the People of the State of Illinois ("People"), by and through its attorney, Roland W. Burris, Attorney General of the State of Illinois, against Bakley Construction Corporation (Bakley), a Illinois Corporation located in Woodstock and Huntley, McHenry County, and Huntley, Kane County, Illinois. The complaint alleges that Bakley has violated Sections 9(b) and 12(a), (b) and (f) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/12(a), (b), and (f) (1992) and 415 ILCS 5/9(b) (1992), and 35 Ill. Adm. Code 404.101(a)(1) and (2), 35 Ill. Adm. Code 403.102, 35 Ill. Adm. Code 403.104(a), 35 Ill. Adm. Code 201.142 and 201.143 of the Board's rules.

Hearing was held on October 20, 1994, before Board Hearing Officer Alan Shoenberger in Woodstock, McHenry County, Illinois. No members of the public appeared at the hearing. (Tr. at 1.) At the hearing the parties indicated that a stipulation would be filed.

A Stipulation and Proposal for Settlement was filed by the parties on November 7, 1994. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Bakley admits the alleged violations. Bakley agrees to pay a civil penalty of Eighteen Thousand Dollars (\$18,000.00).

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 Bakley, concerning its operations located in Woodstock and Huntley, McHenry County, and Huntley, Kane County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) The Bakley Construction Corporation shall pay the sum of Eighteen Thousand Dollars (\$18,000.00) 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

Bakley shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

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.

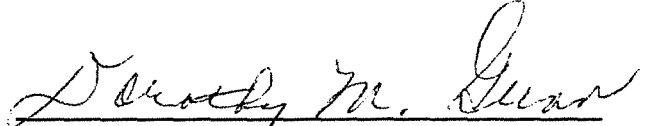
- 3) Bakley shall cease and desist from the alleged violations.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

Board Member J. Theodore Meyer concurred.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 1st day of December, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board