

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1993

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
Complainant,)	
)	
v.)	PCB 93-229
)	(Enforcement)
HYDRAULIC RESEARCH CO.,)	
an Illinois Corporation, d/b/a)	
ACCURATE BRAKE AND CLUTCH EXCHANGE,)	
)	
Respondent.)	

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

This matter comes before the Board upon a one-count complaint filed November 19, 1993 by Roland W. Burris, Attorney General of the State of Illinois on behalf of the Illinois Environmental Protection Agency (Agency) and the People of the State of Illinois, against Hydraulic Research Company (Hydraulic), an Illinois Corporation. Hydraulic maintains a facility located at 449 Madison Street Oak Park, Cook County, Illinois. The complaint involves Hydraulic operating an emission source without a permit at its facility in violation of Sections 9(a) and (b) of the Illinois Environmental Protection Act (Act). (415 ILCS 5\9(a) and (b) (1992).) Section 9(a) of the Act generally prohibits the emissions of contaminants in violation of the Act or Board procedural rules and Section 9(b) of the Act prohibits the emissions of contaminants without an operating permit issued by the Agency. The complaint also alleges that respondent violated 35 Ill. Adm. Code Section 201.144, (prohibits operation of an existing emission source without permit) of the Board's rules.

Pursuant to 415 ILCS 5/31(a)(1), a joint motion requesting relief from the Act's hearing requirement was filed by the parties on November 19, 1993. Notice of the waiver was published by the Board on November 24, 1993; no request for a hearing, nor objection to our granting the waiver has been received. Waiver of the hearing is hereby granted.

A proposed stipulation and settlement agreement was filed by the parties on November 19, 1993. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Hydraulic admits to the allegations of the complaint and agrees to pay a civil penalty in the amount of Nine Thousand Dollars (\$9,000.00).

Pursuant to the settlement procedure requirements set forth in 35 Ill. Adm. Code 103.180, the Board hereby accepts the settlement agreement as proposed by the parties. The settlement agreement in

no way affects the respondent's obligation 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 Hydraulic Research Company concerning the company's operations located at 449 Madison Street Oak Park, Cook County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Hydraulic Research Company shall pay the sum of Nine Thousand Dollars (\$9,000.00) into the Illinois Environmental Protection Trust Fund at a rate of Seven Hundred Fifty Dollars (\$750.00) per month for twelve (12) months, the first payment to be made within 30 days from the date of the entry of this order. Payments 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

Hydraulic Research Company 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 (approximately seven and a half months from the final entry of this order) 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) Hydraulic Research Company shall cease operating the Grigg industrial burner.
- 4) Hydraulic Research Company shall maintain current

operating permits for all equipment requiring such permits.

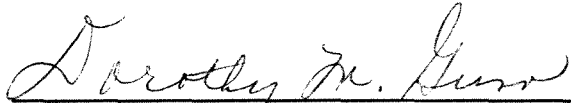
- 5) Hydraulic Research Company shall cease and desist from violations of the Act and regulations promulgated thereunder.

IT IS SO ORDERED.

J. Theodore Meyer concurred.

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.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 16th day of December, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board