

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1990

PEOPLE OF THE STATE)
OF ILLINOIS)
)
Complainant,)
)
v.) PCB 90-78
) (Enforcement)
SUPPORT TERMINAL SERVICES,)
INC., a Delaware corporation,)
)
Respondent.)

APPEARANCE FOR COMPLAINANT BY PAMELA CIARROCCHI, ASSISTANT ATTORNEY GENERAL.

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

This matter comes before the Board upon a four count complaint filed April 24, 1990 on behalf of the People of the State of Illinois (People), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against Support Terminal Services, Inc. (Support Services), located in Chillicothe, Peoria County, Illinois. The complaint alleges that Support Services has violated Sections 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, pars. 1001, et. seq., and 35 Ill. Adm. Code 201.142, 201.143, 230.110 and 230.212 of the Board's rules and regulations. In addition, the complaint alleges violation of 40 CFR 60.7 and 60.112b (a)(3), which are incorporated by reference in the Board's rules at 35 Ill. Adm. Code 230.110 and 230.212.

Hearing on this matter was held July 6, 1990 in Peoria, Peoria County, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Support Services admits to past violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.143, 230.110 and 230.212, as well as 40 CFR 60.7 and 60.112b (a)(3) and agrees to pay a civil penalty of six thousand dollars (\$6,000). Support Services further agrees to cease and desist from the alleged violations.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. It should be noted that the Settlement Agreement does not refer to Section 9.1(d)(1) of the Act; however, the Stipulation does release Respondent from further liability and penalties under the complaint. 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 Support Terminal Services, concerning Support Services's operations located in Chillicothe, Peoria County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Support Services shall pay the sum of six thousand dollars (\$6,000) 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

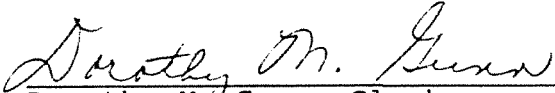
Support Services shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9th day of August, 1990, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board