

ILLINOIS POLLUTION CONTROL BOARD
October 11, 1990

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
v.) PCB 90-115
) (Enforcement)
)
EXCELLO COLOR AND CHEMICAL)
COMPANY, an Illinois)
Corporation,)
)
Respondent.)

MR. JOSEPH J. ANNUNZIO AND MS. ELIZABETH WALLACE APPEARED ON BEHALF OF THE COMPLAINANT.

MR. WILLIAM M. RUBINSTEIN APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by R. Flemal):

This matter comes before the Board upon a complaint filed June 18, 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 Excello Color and Chemical Company ("Excello"), located in Chicago Illinois. The complaint alleges that Excello has violated Sections 9(a) and (b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq., and 35 Ill. Adm. Code 201.144 of the Board's rules and regulations.

Hearing on this matter was held August 22, 1990, in Skokie, 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. Excello admits to past violations of Sections 9(a) and (b) of the Act and 35 Ill. Adm. Code 201.144 and agrees to pay a civil penalty of ten thousand dollars (\$10,000). Excello further agrees to cease and desist from the alleged violations.

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 Excello Color and Chemical Company, concerning Excello's operations located in Chicago, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Excello shall pay the sum of ten thousand dollars (\$10,000) 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

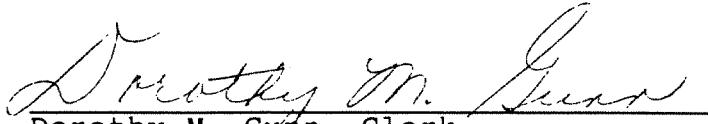
Excello shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

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 11th day of October, 1990, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board