

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 86-210
) (Enforcement)
)
 HILLVIEW FARMS FERTILIZERS, INC.)
 an Illinois Corporation, and)
 ARNOLD N. MAY, individually and)
 as president of HILLVIEW FARMS)
 FERTILIZERS, INC.,)
)
 Respondents.)

APPEARANCE FOR THE COMPLAINANT BY RENEE CIPRIANO.

APPEARANCE FOR THE RESPONDENT BY TIMOTHY J. CAVENAGH.

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

This matter comes before the Board upon a complaint filed December 10, 1986 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 Hillview Farms Fertilizers, Inc. ("Hillview") and Arnold May ("May") located in McHenry County, Illinois. The complaint alleges that May and Hillview have violated Sections 12(a), (b), (d), (f), 21(a), (d), (e), 42 and 9(a) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1001, et. seq.

Hearing on this matter was held August 6, 1990 in Woodstock, 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. One fact of particular significance is that Respondent, Hillview, was involuntarily dissolved on April 1, 1988. Respondent May signed the Stipulation as President of the dissolved corporation and individually. Thus, May is individually liable for the agreed to penalty.

Hillview and May admit to past violations of Sections 9(a), 12(d) and 12(f) of the Act as alleged in counts III, IV and XII

of the complaint and agree to pay a civil penalty of five thousand dollars (\$5,000). Hillview and May further agree 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 Hillview Farms Fertilizers, Inc., and Arnold May concerning Hillview Farms Fertilizers, Inc. and Arnold May's operations located in McHenry County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Hillview and Arnold May shall pay the sum of five thousand dollars (\$5,000) in installments of \$625.00 every three months for two years commencing on October 1, 1990. 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

May 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. 1987, 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 30th day of August, 1990, by a vote of 6-1.

Dorothy M. Gunn/AM
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board