

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1988

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-184
)
NATIONAL ELECTROPLATING, LTD.,)
an Arizona Corporation, ALLEN G.)
SKJOLDAGER, individually and)
d/b/a National Electroplating, Ltd.,)
)
Respondents.)

MS. DIANE ROSENFELD LOPATA, ASSISTANT ATTORNEY GENERAL, AND MR. DONALD GIMBEL, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ATTORNEY, APPEARED ON BEHALF OF COMPLAINANT.

MR. ALLEN G. SKJOLDAGER APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon a three-count complaint filed October 22, 1986 by the Illinois Attorney General's Office on behalf of the Illinois Environmental Protection Agency. Hearing was held April 29, 1988, at which time a Stipulation and Proposal for Settlement ("Stipulation") submitted and read into the record. The Stipulation addresses the facts and proposed terms of settlement in this matter.

The Board has considered all the facts, circumstances, and the proposed settlement in light of the criteria set forth at Ill. Rev. Stat. ch. 111 $\frac{1}{2}$ par. 1033(c) and finds the Stipulation acceptable under 35 Ill. Adm. Code 103.180. Accordingly, the Board will accept the Stipulation and order that its terms be carried out.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Board hereby accepts the Stipulation and Proposal for Settlement, a copy of which is attached and incorporated by reference as if set forth in full and directs that its terms be carried out.

IT IS SO ORDERED.

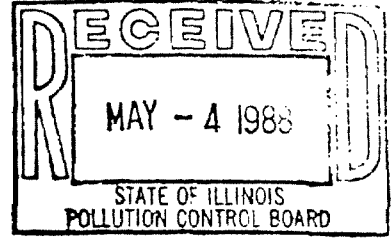
Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 2nd day of June, 1988, by a vote of 6-1.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

STATE OF ILLINOIS)
)
COUNTY OF KANE)



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Complainant,)
)
) - vs -)
) PCB 86-184)
)
NATIONAL ELECTROPLATING, LTD., an)
Arizona Corporation, ALLEN G. SKJOLDAGER,)
Individually and d/b/a National)
Electroplating, Ltd.,)
)
) Respondents.)

STIPULATION AND PROPOSAL FOR SETTLEMENT

NOW COMES Complaint, Illinois Environmental Protection Agency ("the Agency"), by and through its Attorney Neil F. Hartigan, Attorney General of the State of Illinois, and Respondent, NATIONAL ELECTROPLATING, and ALLEN J. SKJOLDAGER, by and through its Attorney Allen J. Skjoldager and do hereby submit this Stipulation and Proposal for Settlement. This stipulation and proposal for settlement is submitted pursuant to Section 103.180 of the Illinois Pollution Control Board Rules and Regulations, subtitle A: General Provisions, 35 Ill. Adm. Code 103.180. The parties agree that the following statement of facts and proposal for settlement is stipulated and agreed to for the purposes of settlement only and shall be null and void and of no effect in the event that the Board fails to accept each and every term and condition set forth.

The parties further agree that the interest of the public and the parties hereto will best be served by the resolution

of this proceeding without further litigation under the terms and conditions provided herein, and they offer the stipulation and proposal for settlement in lieu of an evidentiary hearing.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act, Ill.Rev.Stat. (1985) ch. 111 1/2, par. 1001 et seq.

II.

AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Proposal for Settlement and to legally bind them to it.

III.

STATEMENT OF FACTS

For the purposes of settlement only, the parties hereby stipulate and agree to the following:

1. Respondent National Electroplating, Ltd. ("National") is an Arizona corporation licensed to do business in Illinois that has engaged in the business of electroplating metals in the State of Illinois.

2. Respondent Allen G. Skjoldager ("Skjoldager") was at all time relevant hereto the president and principal shareholder of National and directly controlled all of National's operations and activities.

3. On or about October 6, 1985, National and Skjoldager entered into a lease for the rental of a building or buildings located at 951 South Raymond Street and/or 363 Bluff City Boulevard, Elgin, Illinois (the "Site").

4. On or about October 6, 1985, National and Skjoldager transported various plating solutions, chemicals and equipment used or generated in National's plating operations. The solutions, chemicals and equipment were moved from National's prior operating location into the warehouse building or buildings on the Site. The materials transported to the site include but are not limited to those shown on the inventory list and warehouse diagram which are attached hereto as Exhibit A.

5. Some of the materials transported on to the site were wastewater treatment sludges or spent cyanide plating bath solutions from National's electroplating operations.

6. Agency inspection of National's plating solutions, chemicals and other materials at the Site showed that some of them were hazardous wastewater treatment sludges and hazardous spent cyanide plating bath solutions from electroplating solutions.

7. National and Skjoldager have never obtained any Agency permits for transportation of the hazardous solutions or chemicals.

8. National and Skjoldager have transported hazardous waste without necessary permits in violation of Section 21(g) of the Act, Ill.Rev.Stat. ch. 111 1/2, par. 1021(g) (1985).

9. National and Skjoldager have never obtained any Agency permits for their transportation of solutions and chemicals to the Site or for their storage, abandonment or disposal of the solutions and chemicals at the Site.

10. National and Skjoldager have transported to the site and stored, abandoned or disposed of the solutions and chemicals at the site without obtaining any Agency permits.

11. Respondent has to date, cleaned up and removed the wastes from the premises and has expended approximately \$17,152.85 in so doing.

12. Respondent Skjoldager pleaded guilty to the offense of unauthorized use of hazardous waste, Chapter 111 1/2, §44D(1)(d) and removed all the hazardous waste from the premises pursuant to court order of the Kane County Circuit Court in the cause captioned People of the State of Illinois v. Allen Skjoldager, No. 86 CF 706.

13. National Electroplating, Ltd. has declared bankruptcy in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division in Case No. 86 B 03185.

PENALTY

Now therefore, the Agency agrees to settle and compromise the controversy pending between National Electroplating, and Allen Skjoldager in consideration for payment as specified in Paragraph (a) or (b) below:

- (a) Payment can be made in full amount of \$3,000 within 30 days of this Order, or;
- (b) Payment may be made in quarterly installments over a two year period in the amount of \$437.50 per payment, total payment in the amount of \$3,500.00. Payment shall commence within 30 days of entry of this Order.

In either event, payment shall be made by check payable to the "Environmental Protection Trust Fund:"

The Agency does not, however, in any manner represent, waive or relinquish any claim or claims it now has or hereafter may have against any other persons, firms or corporations other than in connection with the aforesaid allegations set forth ~~in~~ ~~paragraph 1~~ above, nor does it waive or release any rights, or claims or claims it now has or may have against National Electroplating, Ltd. with regard to any actions, conditions or situations that may now exist or hereafter come into being at National Electroplating apart from the alleged acts and omissions set forth in the paragraphs above.

IN WITNESS THEREOF:


ILLINOIS ATTORNEY GENERAL


NATIONAL ELECTROPLATING,
LTD.


ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY


ALLEN G. SKJOLDAGER

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