ILLINOIS POLLUTION CONTROL BOARD October 17, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.		PCB 97-20
BENTRONICS CORPORATION,)	(Enforcement - Water)
Respondent.)	

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

On July 18, 1996, the People of the State of Illinois (People) filed a three-count complaint alleging that Bentronics Corporation (Bentronics), an electronic manufacturing company, violated Section 12 of the Environmental Protection Act (Act) (415 (ILCS 5/12 (2000), *as amended by* P.A. 92-0574, eff. June 26, 2002) and 35 Ill. Adm. Code 307.1101 and 307.2301 of the Board's water pollution regulations. On April 19, 2001, the Board granted summary judgment in favor of the People, and sent the case to hearing on the issue of penalties.

On September 5, 2002, the Board entered an interim opinion and order, which it incorporates here by reference, reiterating its finding of the violations alleged, and ordering Bentronics to pay a penalty in the amount of \$110,000. The Board found that the People were entitled to attorney fees and costs. *See* 415 ILCS 5/42(f) (2000). The Board directed the People to file an affidavit of fees and costs with the Board by September 19, 2002, intending to enter its final order assessing the penalty as well as fees and costs.

On October 4, 2002, the People filed a motion to withdraw its request for attorney fees and costs. The Board grants the People's motion. In this final opinion and order, then, the Board orders Bentronics to pay the penalty of \$110,000 for violating the Act and Board's regulations as alleged.

This opinion constitutes the Board's findings of fact and conclusions of law.

<u>ORDER</u>

1. Bentronics Corporation (Bentronics) must pay a penalty of \$110,000 no later than November 17, 2002. Bentronics must pay the \$110,000 penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Bentronics' social security number or federal employer identification number must be included on the certified check or money order. Bentronics must send the certified check or money order and the remittance form to: Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

- 2. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000).
- 3. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Board Member W.A. Marovitz dissented.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 17, 2002, by a vote of 5-1.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board