

ILLINOIS POLLUTION CONTROL BOARD
February 26, 1986

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 84-118
)
RICHARD C. McCORMICK,)
)
Respondent.)

MS. NANCY J. RICH, ASSISTANT ATTORNEY GENERAL, AND MS. VIRGINIA YANG, ESQ., IN-HOUSE COUNSEL FOR THE AGENCY, APPEARED ON BEHALF OF THE COMPLAINANT.

HAROLD M. JENNINGS & ASSOCIATES, ATTORNEYS AT LAW (MR. ALAN JEFFREY NOVICK, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on a thirteen-count Complaint filed on August 3, 1984 by the Illinois Environmental Protection Agency (Agency) pertaining to the Respondent's operation of a 17.6 acre solid waste management site located on the north side of the City of Minonk in Woodford County, Illinois (Minonk site).

Count I of the Complaint alleged that, from October 17, 1979 until August 3, 1984, the Respondent failed to apply adequate daily cover on all exposed refuse at the end of each working day in violation of 35 Ill. Adm. Code 807.301 and 807.305(a) and Sections 21(a) and 21(d)(2) of the Illinois Environmental Protection Act (Act).

Count II alleged that, from June 18, 1980 until August 3, 1984, the Respondent failed to apply the appropriate intermediate cover on all surfaces of the landfill where no additional refuse was deposited within 60 days in violation of 35 Ill. Adm. Code 807.301 and 807.305(b) and Sections 21(a) and 21(d)(2) of the Act.

Count III alleged that, from November 26, 1980 until August 3, 1984, the Respondent failed to apply the requisite final cover at the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.305(c) and Sections 21(a) and 21(d)(2) of the Act.

Count IV alleged that, from April 16, 1980 until August 3, 1984, the Respondent failed to properly spread and compact refuse in violation of 35 Ill. Adm. Code 807.301 and 807.303(b) and Sections 21(a) and 21(d)(2) of the Act.

Count V alleged that, from February 6, 1980 until August 3, 1984 (including, but not limited to, April 16, 1980, September 12, 1980, April 9, 1981, July 15, 1982, and September 23, 1982), the Respondent failed to have sufficient equipment, personnel, and supervision at the site in violation of 35 Ill. Adm. Code 807.301 and 807.304 and Sections 21(a) and 21(d)(2) of the Act.

Count VI alleged that, from November 26, 1980 until August 3, 1984, the Respondent failed to collect and remove litter daily from the site in violation of 35 Ill. Adm. Code 807.301 and 807.306 and Sections 21(a) and 21(d)(2) of the Act.

Count VII alleged that, from October 17, 1979 until August 3, 1984, the Respondent failed to conduct salvaging operations at a remote portion of the Minonk site in a sanitary manner in violation of 35 Ill. Adm. Code 807.301 and 807.307 and Sections 21(a) and 21(d)(2) of the Act.

Count VIII alleged that, from October 27, 1981 until August 3, 1984 (including, but not limited to, August 25, 1982, September 23, 1982, October 12, 1982, and November 10, 1982), the Respondent accepted hazardous wastes or liquid wastes and sludges without being properly authorized to do so by Agency permit in violation of 35 Ill. Adm. Code 807.301 and 807.310(b) and Sections 21(a) and 21(d)(2) of the Act.

Count IX alleged that, from November 16, 1979 until August 3, 1984, the Respondent periodically allowed the open burning of agricultural, domicile and landscape wastes generated off-site in violation of 35 Ill. Adm. Code 807.301 and 807.311 and Sections 21(a) and 21(d)(2) of the Act.

Count X alleged that, from December 31, 1979 until August 3, 1984, the Respondent failed to take adequate measures to monitor and control leachate at the site, thereby allowing liquid wastes and contaminants to seep out of the landfill in violation of 35 Ill. Adm. Code 807.301 and 807.314(e) and Sections 21(a) and 21(d)(2) of the Act.

Count XI alleged that, from April 16, 1980 until August 3, 1984 (including, but not limited to, January 19, 1982, May 24, 1982, June 22, 1982, July 15, 1982, September 23, 1982, September 21, 1983 and October 21, 1983), the Respondent allowed the storage and disposal of waste on portions on the Minonk site that have not been authorized by Agency permits for such use in violation of 35 Ill. Adm. Code 807.301 and 807.302 and Sections 21(a), 21(d)(1), and 21(d)(2) of the Act.

Count XII alleged that, from October 17, 1979 until August 3, 1984 (including, but not limited to, November 16, 1979, February 26, 1982, March 10, 1982, April 14, 1982, and September 21, 1983), the Respondent allowed the use of mining waste from a gob pile for daily cover in violation of 35 Ill. Adm. Code 807.301 and 807.302 and Sections 21(a), 21(d)(1), and 21(d)(2) of the Act.

Count XIII alleged that, from January 15, 1980 until August 3, 1984, the Respondent failed to submit the necessary quarterly groundwater monitoring reports to the Agency in violation of 35 Ill. Adm. Code 807.301 and 807.302 and Sections 21(a), 21(d)(1) and 21(d)(2) of the Act.

A hearing was held on February 4, 1986 at which counsel for both parties and some members of the public were in attendance. No witnesses were called to testify by either party, although a number of the people in attendance at the hearing from the public were sworn and presented comments and questions. (R. 14-19). The parties filed a Stipulation and Proposal for Settlement on February 19, 1986.

At the February 4, 1986 hearing (R. 7; R. 20), and within the proposed settlement agreement itself (Stip. 13), the parties requested that the Board expedite its consideration of this case. On page 13 of the Stipulation, the parties indicate that:

"The parties respectfully request the Board to expedite its review of this agreement because it contains an agreed permit revocation or if specific conditions are met, a permit transfer, one of which will occur within 120 days after the date of signature by the parties..."

The Board hereby grants the parties' joint motion for expedited consideration in the instant action.

BACKGROUND

The present case involves the Respondent's operations at the 17.6 acre landfill site located on the north side of the City of Minonk in Woodford County, Illinois. The property in question has, at all times pertinent to the violations alleged in the Complaint, been owned and controlled by Respondent Richard C. McCormick.

Pursuant to the Agency's Division of Land Pollution Control (DLPC) Development Permit No. 1975-76-DE, the Respondent began development of the Minonk site in 1975. (See: Exhibit 1 of the Stip.). Subsequently, on November 15, 1979, the Agency granted the Respondent DLPC Operating Permit No. 1975-76-OP/Trenches 8,

9, and 10 only (DLPC - 8, 9, 10) which authorized the Respondent to operate a solid waste management site in trenches 8, 9, and 10 only at the Minonk property, by storing or disposing of refuse or waste generated by activities other than those of the Respondent. (See: Exhibit 2 of the Stip.). On April 2, 1981, the Agency granted the Respondent DLPC Operating Permit No. 1975-76-OP/Trench 11 only (DLPC-11) which authorized disposal and storage operations in Trench 11 only at the Minonk site. (See: Exhibit 3 of the Stip.). On January 21, 1982, the Agency granted the Respondent DLPC Operating Permit No. 1975-76-OP/Trench 12 only (DLPC-12) which authorized storage and disposal operations only in Trench 12 at the Minonk site. (See: Exhibit 4 of the Stip.).

In each of the Operating Permits for specific trenches at the Minonk site, the Agency inserted special conditions in the DLPC permits to delineate the authorized scope of the Respondent's operations. For example, Special Condition 1 of DLPC-8, 9, 10 specifically states that "this permit is for operation of trenches 8, 9, and 10 only". Similarly, Special Condition 1 of DLPC-11 reads that "this permit is for the operation of trench 11 only". Concomitantly, Special Condition 1 of DLPC-12 indicates that "this permit is for the operation of trench 12 only". (Stip. 3).

In a letter dated November 27, 1979 which was sent to the Respondent by the Agency's Division of Land/Noise Pollution Control Hydrogeology Unit pursuant to Special Condition 5 of DLPC 8, 9, 10, the water monitoring requirements of that permit were clarified as follows:

"You are reminded that quarterly water monitoring reports are due in this office by the 15th of January, April, July, and October. Therefore, your first quarterly reports are due by January 15, 1980."

(See: Exhibit 5 of the Stip.).

The Respondent, Richard C. McCormick, previously operated a general refuse disposal site in Evans Township, southeast of Magnolia in Marshall County, Illinois (Magnolia site). On January 13, 1972, the Agency filed a Complaint against the Respondent for open dumping of garbage and refuse, open burning of refuse, and failure to provide daily cover at the Magnolia site. On January 16, 1973, the Board ordered McCormick to cease and desist from all violations of the Act and of the rules and regulations for refuse disposal sites and facilities and ordered McCormick to pay a \$250.00 penalty. (See: Opinion and Order of January 16, 1973 in PCB 72-16, IEPA v. Richard McCormick).

It is stipulated that McCormick's subsequent failure to pay the \$250.00 penalty ordered in PCB 72-16 "resulted in a Board Order follow-up, which ordered McCormick to pay the penalty." (Stip. 4).

McCormick was also subject to a second Board action for failure to properly close and cover the Magnolia site in PCB 75-406. On May 20, 1976, the Board ordered McCormick to properly close the Magnolia site and to pay a penalty of \$5,000.00. (See: Opinion and Order of the Board of May 20, 1976 in PCB 75-406, IEPA v. Richard C. McCormick, 21 PCB 423). However, the parties have stipulated that "McCormick failed to comply with the Board order in PCB 75-406 necessitating actions for Board order follow-ups in the Circuit Court for the 10th Judicial Circuit in February 1976, No. 76-E-291 and in December 1978, No. 78-E-59". (Stip. 5). Moreover, it is stipulated that "2,600 is still unpaid of the penalty required of McCormick by PCB order 75-406 and Circuit Court order 76-E-291". (Stip. 5).

Additionally, McCormick was also subject to a prior Board action involving the Minonk site for operating without the requisite Agency permits. (See: Opinion and Order of the Board of February 11, 1976 in PCB 75-258, IEPA v. Richard C. McCormick, 20 PCB 17). On February 11, 1976, the Board ordered McCormick in PCB 75-258 to cease and desist operations at the Minonk site until all appropriate permits were obtained from the Agency and ordered McCormick to pay a penalty of \$2,500.00.

Nonetheless, it is stipulated that "McCormick continued operating the Minonk Site in violation of the Board order in PCB 75-258, necessitating a Board order follow-up from the Circuit Court for the 11th Judicial Circuit in March, 1977, No. 77-CH-1". (Stip. 5). The parties have indicated that "on October 15, 1979 the Circuit Court for the 11th Judicial Circuit ordered McCormick to cease and desist from any operations at the Minonk Site until the appropriate Agency permits were obtained, No. 77-CH-1". (Stip. 5). After the Agency issued the required permits, McCormick resumed operations at the Minonk site in November of 1979. (Stip. 5-6).

The parties have stipulated that McCormick's outstanding and unpaid penalties due and owing to the State of Illinois as a result of prior enforcement actions against him come to a total of \$8,016.74 which has been derived as follows:

PCB 75-406 and 76-E-291	\$2,600.00
78-E-59	\$5,000.00
77-CH-1	\$ 416.74
	<u>\$8,016.74</u> (total due)

(Stip. 6).

STIPULATION OF VIOLATIONS

In the proposed settlement agreement, the Respondent has admitted virtually all of the violations alleged in the thirteen-count Complaint filed by the Agency on August 3, 1984. The Respondent has admitted the following specific violations: (1) on at least eight occasions between October 17, 1979 and October 21, 1983, he failed to apply adequate daily cover on all exposed refuse at the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.305(a) and Sections 21(a) and 21(d)(2) of the Act; (2) on at least eight occasions between June 18, 1980 and October 21, 1983, he failed to apply the appropriate intermediate cover at the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.305(b) and Sections 21(a) and 21(d)(2) of the Act; (3) on at least eight occasions between November 26, 1980 and October 21, 1983, he failed to apply the requisite final cover at the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.305(c) and Sections 21(a) and 21(d)(2) of the Act; (4) on at least six occasions between April 16, 1980 and October 21, 1983, he failed to properly spread and compact refuse at the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.303(b) and Sections 21(a) and 21(d)(2) of the Act; (5) on at least three occasions between February 6, 1980 and September 23, 1982, he failed to provide sufficient equipment, personnel, and supervision at the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.304 and Sections 21(a) and 21(d)(2) of the Act; (6) on at least four occasions between November 26, 1980 and January 11, 1983, he failed to collect and remove litter daily from the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.306 and Sections 21(a) and 21(d)(2) of the Act; (7) on at least four occasions between October 17, 1979 and October 21, 1983, he failed to conduct salvaging operations at a remote portion of the Minonk site in a sanitary manner in violation of 35 Ill. Adm. Code 807.301 and 807.307 and Sections 21(a) and 21(d)(2) of the Act; (8) on at least four occasions between October 27, 1981 and November 10, 1982, he accepted industrial or hazardous waste without being authorized to do so by Agency permit in violation of 35 Ill. Adm. Code 807.301 and 807.310(b) and Sections 21(a) and 21(d)(2) of the Act; (9) on at least seven occasions between November 16, 1979 and June 15, 1984, he allowed the open burning of waste generated off the landfill site in violation of 35 Ill. Adm. Code 807.301 and 807.311 and Sections 21(a) and 21(d)(2) of the Act; (10) on at least three occasions between December 31, 1979 and April 15, 1983, he failed to take adequate measures to monitor and control leachate at the Minonk site in violation of 35 Ill. Adm. Code 807.301 and 807.314(e) and Sections 21(a) and 21(d)(2) of the Act; (11) on at least four occasions between April 16, 1980 and October 21, 1983, he allowed the storage and disposal of waste on portions of the Minonk site that have not been authorized by Agency permits for such use in violation of 35 Ill. Adm. Code 807.301 and 807.302 and Sections 21(a), 21(d)(1) and 21(d)(2) of the Act; (12) on at least six

occasions between October 17, 1979 and September 21, 1983, he allowed the use of mining waste from a gob pile as daily cover in violation of 35 Ill. Adm. Code 807.301 and 807.302 and Sections 21(a), 21(d)(1), and 21(d)(2) of the Act; and (13) on fifteen separate occasions between January 15, 1980 and August 3, 1984, he failed to submit the requisite quarterly groundwater monitoring reports to the Agency in violation of 35 Ill. Adm. Code 807.301 and 807.302 and Sections 21(a), 21(d)(1) and 21(d)(2) of the Act. (Stip. 8-12).

CAUSES AND IMPACT OF NONCOMPLIANCE

In reference to the causes of the Respondent's noncompliance with applicable standards, the parties have stipulated that "McCormick's consistent inability to comply with the Act, the Waste Disposal Regulations and his permit requirements is caused by improper site management and waste disposal practices, including but not limited to insufficient employees and failure to introduce any procedures to either remedy past violations or achieve compliance". (Stip. 12). At the hearing, the Respondent's attorney characterized the causes of the Respondent's noncompliance as follows:

"...Mr. McCormick, over many years, was, due to economic reasons and due to personnel reasons, was trying to run a landfill site...with one person when he needed two or three. That's the reason for the violations...I don't think anybody around here believes that Dick McCormick is a bad guy. He just got in over his head and was not able to follow each and every one of the P.C.B. regs that exist..." (R. 11-12).

The parties have stipulated that "McCormick's ability to operate the site in a safe and legal manner has markedly deteriorated during the time period in which violations alleged in the Agency's complaint have occurred." (Stip. 12). As an example of the deterioration in the Respondent's ability to properly operate the Minonk site, the Agency noted that its first eight inspections of the site in late 1979 and 1980 revealed 19 alleged violations, while its last ten inspections prior to the filing of the Complaint disclosed 60 alleged violations. (Stip. 12).

Additionally, it is stipulated that: (1) McCormick's inability to properly operate the Minonk landfill requires that the site be shut down (either permanently or until the requisite site cleanup is begun); (2) McCormick's landfill operational practices have deprived the Woodford/Marshall county area of its only suitable permitted local solid waste landfill; (3) McCormick has derived economic benefit from his failure to comply with

applicable permit conditions, Board regulations, and the Act, and (4) McCormick lacks the necessary financial and other resources to manage or operate the Minonk site at any time in the future. (Stip. 12-13).

PROPOSED SETTLEMENT AGREEMENT

In reference to the rationale for major portions of the proposed settlement agreement, the Respondent's attorney indicated at the hearing that:

"...we believe that we have a gentleman by the name of Mr. Elmer Strong who runs Central Illinois Disposal Company who would be a competent, not only competent, operator of the landfill but also somebody with the economic wherewithal to run this landfill in a manner that will comply with P.C.B. regs...we signed this agreement based on our hope that -- based on our belief that Mr. Strong does have the dollars and the expertise to run a landfill. And as we sign off and say we will pay \$8,000 in 120 days and \$500 a month thereafter, that's because we have an agreement with Mr. Strong. He will apply for a transfer of the permit to his corporation and he understands the problems that are involved. We've gone over in our own mind a timetable of the things that need to be done in order to bring the landfill up to P.C.B. standards, and we believe that he can do it..."

(R. 11-12).

The proposed settlement agreement provided that the Respondent admitted the previously specified stipulated violations and agreed to: (1) cease all operations at the site (including, but not limited to, the acceptance of waste) and forever refrain from any and all management activities at the site; (2) attempt to transfer his permits to a qualified site operator or operators; (3) remain responsible for any and all cleanup and remedial work that the Agency deems necessary at the Minonk site; (4) pay all unpaid penalties resulting from prior legal actions for past violations which total \$8,016.74; and (5) pay a stipulated penalty of \$16,000.00 for violations that occurred at the Minonk site between October 17, 1979 and August 3, 1984 in monthly installments of \$500.00 each until the entire total stipulated penalty is paid in full. (Stip. 13-18).

Additionally, the parties have stipulated that the Agency will revoke all of McCormick's permits to develop and operate the Minonk site (including all supplemental letters and conditions)

120 days after the signing of the stipulated agreement by all parties. (Stip. 14).

It is also stipulated that the \$16,000.00 agreed-upon penalty for violations in PCB 84-118 was derived in the following manner:

"The Agency has estimated and McCormick agrees that McCormick realized estimated economic savings of approximately \$8,000.00 as a result of his failure to conduct quarterly groundwater monitoring at the site and submit the results to the Agency for the 15 quarters between January 15, 1980 and August 3, 1984. The \$8,000.00 figure is an average contract fee for groundwater monitoring services by three Minonk-area laboratories: Daily Analytical Laboratories, Arro Laboratories, Inc., and TEKLAB. The contract fees including sampling all wells on site, performing required analytical tests for all wells on site, and performing required analytical tests for all parameters required by McCormick's Agency permit and supplemental letter. Mailing of the analytical data to the Agency on a quarterly basis is also included in the contract price.

The propriety of an additional \$8,000.00 penalty, for a total of \$16,000.00 is justified on several grounds. First, the \$8,000.00 represents an assessment in excess of \$100.00 per violation against McCormick for each such charge of the Agency's complaint that McCormick has admitted herein. Second, the \$8,000.00 figure is equal to and more importantly, no less than the amount of penalty assessed for the severe violations of failing to monitor and hence protect the groundwater at the site. Finally, the \$8,000.00 amount can also be viewed as a number approximately equal to McCormick's past unpaid penalties, or as an inflated estimate of statutory interest due on the unpaid penalties, such inflation included as a measure of the aggravating factor of McCormick's prior failure to pay the penalties."

(Stip. 16-17).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. In light of the Respondent's admitted lack of the requisite financial resources to manage or operate the Minonk site, the Board believes that the agreed-upon restriction on the Respondent's future operation of that specific site is a reasonable limitation upon the scope of his activities. (See: Opinion and Order of February 6, 1986 in PCB 84-120 and PCB 84-121 (consolidated), IEPA v. Atlas Service Company, Inc. and Ralph Waller & Thomas Waller).

As admitted in the Stipulation, the Board finds that the Respondent, Richard C. McCormick, has violated 35 Ill. Adm. Code 807.301, 807.302, 807.303(b), 807.304, 807.305(a), 807.305(b), 807.305(c), 807.306, 807.307, 807.310(b), 807.311 and 807.314(e) and Sections 21(a), 21(d), 21(d)(1), and 21(d)(2) of the Act. The Respondent will be ordered to follow the agreed-upon compliance plan, to pay the \$8,016.74 outstanding penalties for past violations, and to pay the stipulated penalty of \$16,000.00 in monthly installments of \$500.00 each until the entire stipulated penalty is paid in full.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The parties' joint motion for expedited consideration of the instant case is hereby granted.
2. As admitted in the Stipulation, Respondent Richard C. McCormick has violated 35 Ill. Adm. Code 807.301, 807.302, 807.303(b), 807.304, 807.305(a), 807.305(b), 807.305(c), 807.306, 807.307, 807.310(b), 807.311, and 807.314(e) and Sections 21(a), 21(d)(1) and 21(d)(2) of the Act.
3. As of the date of the signing of the stipulated agreement in PCB 84-118 by McCormick, the Attorney General and the Agency, McCormick agreed to, and shall cease, all operations at the Minonk landfill site (including, but not limited to, the acceptance of waste) and shall henceforth forever refrain from any and all management activities at the Minonk site.

4. As per the stipulated agreement between the parties, all of McCormick's permits to develop and operate the Minonk site (including all supplemental letters and conditions) will be revoked by the Agency 120 days after the signing of the stipulated agreement by all the parties.
5. Because the value of preserving the Woodford and Marshall county-area residents' proximity to a permitted solid waste disposal site requires that McCormick be given a limited amount of time to transfer his permits to a qualified site operator or operators, within 120 days of the date of the signing of the stipulated agreement in PCB 84-118 (after which time the permits will be automatically revoked), the Agency may approve the transfer of McCormick's permits to qualified transferee(s) who agree to perform any and all cleanup and remedial work that the Agency deems necessary at the site.

McCormick's permit transfer application must provide for all appropriate site cleanup, planning, and management practices, including but not limited to: a) a remedial cleanup plan including but not limited to final cover for inactive areas, proposals for erosion control, including drainage of water to prevent erosion, grading, seeding, and recontouring site elevations to a ratio of no greater than two horizontal to one vertical; b) a closure plan in accordance with Section 807, Subpart E of the Waste Disposal Regulations; c) a post-closure plan in accordance with Section 807, Subpart E of the Waste Disposal Regulations; d) a financial assurance plan in accordance with Section 807, Subpart F of the Waste Disposal Regulations, and e) a proposal for groundwater monitoring in accordance with Section 807 of the Waste Disposal Regulations.

6. McCormick is, and continues to be, responsible for any and all cleanup and remedial work that the Agency deems necessary at the site. In the event that McCormick's permits for the site are revoked and not transferred, McCormick shall submit appropriate plans for remedial cleanup, closure, post-closure and groundwater monitoring as described in item #5 above to the Agency no later than thirty (30) days after the revocation of his permits. McCormick shall thereafter complete all cleanup and other remedial work required by the

Agency no later than sixty (60) days after the revocation of his permits.

7. McCormick shall pay his outstanding penalties from past violations which total \$8,016.74. McCormick shall pay such penalty no later than 120 days after the signing of the stipulated agreement in PCB 84-118 by the Attorney General, the Agency and McCormick. Payment shall be made by certified check or money order made payable to the State of Illinois and mailed to:

Office of the Illinois Attorney General
Environmental Control Division
State of Illinois Center
100 West Randolph Street
13th Floor
Chicago, Illinois 60601

8. McCormick shall pay the \$16,000.00 stipulated penalty in the present action for violations that occurred at the Minonk site between October 17, 1979 and August 3, 1984 in monthly installments of five hundred dollars (\$500.00) each. The monthly installments shall begin on the 150th day following the signing of the stipulated agreement in PCB 84-118 by the Attorney General, McCormick and the Agency. Subsequent monthly payments shall be due on the 1st day of each month and shall be made until the entire stipulated penalty of \$16,000.00 is paid in full. Payments shall be made by certified check or money order made payable to the Illinois Environmental Protection Trust Fund and mailed to:

Office of the Illinois Attorney General
Environmental Control Division
State of Illinois Center
100 West Randolph Street
13th Floor
Chicago, Illinois 60601

9. The installment payment provisions of the stipulated agreement in PCB 84-118 shall become null and void and the full amount of unpaid penalties from the case at bar and prior actions will become immediately due if any of the scheduled payments are not submitted in accordance with paragraph E on pages 15-17 of the Stipulation and Proposal for Settlement.

10. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on February 19, 1986, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Board Member John G. Anderson concurred and 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 26th day of February, 1986 by a vote of 6-1.

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