

ILLINOIS POLLUTION CONTROL BOARD
January 4, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-147
)	(Enforcement – Water, RCRA)
J.D. PLATING WORKS, INC.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On February 28, 1997, the People of the State of Illinois (People) filed a nine-count complaint against respondent J.D. Plating Works, Inc. (J.D. Plating), a metal electroplater. The complaint alleges J.D. Plating conducted a hazardous waste management facility without a Resource Conservation and Recovery Act (RCRA) permit, conducted a hazardous waste thermal treatment unit without a RCRA permit, failed to maintain operating records, failed to submit annual reports, failed to maintain a written closure plan, failed to have a cost estimate for closure, caused a water pollution hazard, failed to properly maintain and operate a disposal facility, and stored hazardous wastes in open containers at its facility located at 1424 12th Street, Waukegan, Lake County, Illinois. These actions are in alleged violation of Sections 12(f)(2), 21(d), 21(f)(1) and (f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/12(f)(2), 21(d), (f)(1), (f)(2) (1998)) and the Board's waste disposal regulations at 35 Ill. Adm. Code 703.121(a) and (a)(1), 725.131, 725.173(a), 725.175, 726.212(a), 725.242(a), and 725.273(a).

On November 20, 2000, the parties filed a joint stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The News-Sun* on November 23, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. J.D. Plating neither admits nor denies the violations alleged by the People, but agrees to pay a civil penalty of \$10,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. J.D. Plating must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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 J.D. Plating. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. J.D. Plating must pay the sum of \$10,000. Payment must be made within 30 days of the date of this order, that is, on or before February 3, 2001. Such payment must be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Plating's Federal Employer Identification number 36-243-5587 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order must be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

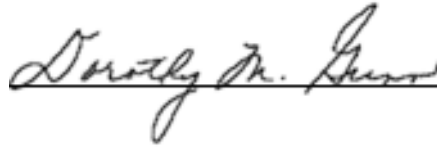
Office of the Attorney General
Zemheret Bereket-Ab, Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

4. Penalties unpaid after 30 days of the date of this order accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (1998).
5. J.D. Plating must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 4th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board