

ILLINOIS POLLUTION CONTROL BOARD

June 5, 1997

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 96-144
	)	(Enforcement - UST)
COASTAL MART, INC., a Delaware	)	
corporation,	)	
	)	
Respondent.	)	

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

This matter comes before the Board upon a complaint filed on December 27, 1995 by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Coastal Mart, Inc. (Coastal Mart), a Delaware corporation, regarding its facility located at 156 West Morton, Jacksonville, Morgan County, Illinois. The complaint alleges that Coastal Mart violated Sections 12(a) and 12(d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d) (1994)) and 35 Ill. Adm. Code 620.405, 620.420, and 731.165, by causing or allowing groundwater contamination and failing to submit timely reports of soil and groundwater contamination.

On May 2, 1997 the parties filed a stipulation and settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. (415 ILCS 5/31(c)(2) (Supp. 1997).) The Board published a notice of the waiver on May 8, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Coastal Mart neither admits nor denies the alleged violations, but agrees to (1) pay a civil penalty of \$24,000 and (2) file a completed and executed deed restriction with the Morgan County Clerk and Recorder's Office. (Stip., Attachment A).

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 regulations.

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

ORDER

- 1) The Board hereby accepts the April 15, 1997 stipulation and settlement agreement executed by the People of the State of Illinois and Coastal Mart regarding its facility located at 156 West Morton, Jacksonville, Morgan County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
- 2) Coastal Mart shall pay a total sum of \$24,000 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois 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, Illinois 62794-9276

The certified check or money order shall clearly indicate on its face Coastal Mart's federal employer identification number 76-0204155, and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and check shall be simultaneously submitted to:

Phyllis Dunton  
Attorney General's Office  
Environmental Bureau  
100 West Randolph Street, 11<sup>th</sup> Floor  
Chicago, Illinois 60601

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

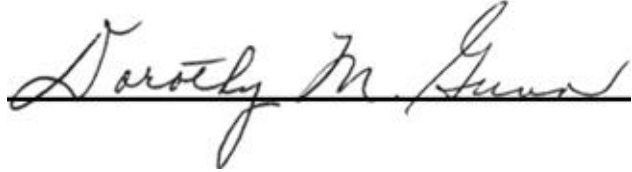
- 3) Coastal Mart shall file a completed and executed deed restriction with the Morgan County Clerk and Recorder's Office within 30 days of the date of this order. The deed restriction shall be in the form set forth in Attachment A to the April 15, 1997 stipulation.
- 4) Coastal Mart shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member J.Theodore Meyer dissented.

Section 41 of the Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this opinion and order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "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 5th day of June 1997, by a vote of 6-1.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board