ILLINOIS POLLUTION CONTROL BOARD October 16, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 97-110
)	(Enforcement - RCRA)
METO-GRAFICS, INC., an Illinois)	
corporation,)	
)	
Respondent)	

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

On December 20, 1996, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a two-count complaint against Meto-Grafics, Inc. (Meto-Grafics), an Illinois corporation located at 169 Northwest Highway, Cary, McHenry County, Illinois. The complaint alleges that Meto-Grafics violated Section 21(f)(1) and (2) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(f)(1) and (2) (1996)) and Board regulations at 35 Ill. Adm. Code 703.121(a)(1), 725.132, 725.134, 725.135, 725.137, 725.271, 725.272, and 725.274 by operating a hazardous waste storage facility without a permit and conducting a hazardous waste storage operation in violation of Board regulations.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), an agreed motion was filed on July 7, 1997, requesting relief from the Act's hearing requirement. The Board published a notice of the requested relief on July 9, 1997. The Board has received no objection to granting the relief from the Act's hearing requirement. The relief is hereby granted.

A "Stipulation and Proposal for Settlement" was filed on July 7, 1997, and a "Modification to the Stipulation and Proposal for Settlement" was filed on September 22, 1997. These documents are collectively referred to herein as the "Settlement Agreement." The Settlement Agreement sets forth facts relating to Meto-Grafics' operations. Meto-Grafics agrees to pay a total civil penalty of \$5,000. The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180.

 $^{^1}$ The parties should note that paragraph 3 of the Board's order provides an updated address for the Illinois Environmental Protection Agency to be used in lieu of the address set forth in Sections X.2.b. and X.4.c. of the Settlement Agreement.

The Settlement Agreement in no way affects Meto-Grafics' responsibility to comply with any federal, state, or local regulations, including, but not limited to, the Act and the Board's pollution control 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 Proposal for Settlement" and the "Modification to the Stipulation and Proposal for Settlement" (collectively "Settlement Agreement") executed by the People of the State of Illinois and Meto-Grafics, Inc. (Meto-Grafics), an Illinois corporation located at 169 Northwest Highway, Cary, McHenry County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
- 2. Meto-Grafics must pay a total civil penalty of \$5,000. Such payment must be made as follows: (a) \$1,000 must be paid 30 days after the date of this order and (b) the remaining \$4,000 must be paid in increments of \$1,000 each, made payable quarterly thereafter, for four quarters, concluding no later than 13 months after the date of this order.
- 3. Such payment must 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 must be sent by First Class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East Springfield, Illinois 62702

The certified check or money order must clearly indicate on its face the case name and number, along with Meto-Grafics' Federal Employer Identification Number (36-2543162).

- 4. Any such penalty not paid within the time prescribed will accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest will not accrue during such stay.
- 5. Meto-Grafics must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; 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 16th day of October 1997, by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board