

ILLINOIS POLLUTION CONTROL BOARD  
April 2, 1998

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 96-21  
) (Enforcement - Air)  
DIAMOND PLATING COMPANY, )  
an Illinois corporation, )  
)  
Respondent. )

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

On July 31, 1995, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a one-count complaint against Diamond Plating Company (Diamond), an Illinois corporation, located at #5 Cain Drive, Madison, Madison County, Illinois. The complaint alleges that Diamond violated Sections 9(a) and 9(b) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b) (1996)), 35 Ill. Adm. Code 201.141, and standard conditions #7 and #8 of its operating permit by causing or tending to cause air pollution, failing to properly maintain its scrubber, and failing to properly maintain a written record of maintenance performed on its scrubber.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), a motion was filed on February 20, 1998, requesting relief from the Act's hearing requirement. The Board published a notice of the requested relief on February 25, 1998. 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 (Settlement Agreement) was filed on February 20, 1998. The Settlement Agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. Diamond admits that it violated Sections 9(a) and 9(b) of the Act and standard conditions #7 and #8 of its operating permit. Diamond agrees to pay a total civil penalty of \$12,000. The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180.

The Settlement Agreement in no way affects Diamond's 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 (Settlement Agreement) executed by the People of the State of Illinois and Diamond Plating Company (Diamond), an Illinois corporation, located at #5 Cain Drive, Madison, Madison County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
2. Diamond must pay a total civil penalty of \$12,000. The penalty must be paid in quarterly installments of \$1,500 over a two year period commencing 30 days after the date of this order. Such payment must be made by certified check 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 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

The certified check must clearly indicate on its face the case name and number, along with Diamond's Federal Employer Identification Number (37-0800564). A copy of the payment transmittal and the certified check must be sent simultaneously by First Class mail to:

Donna Lutes  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62794-9276

Any portion of 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) (1996)), 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.

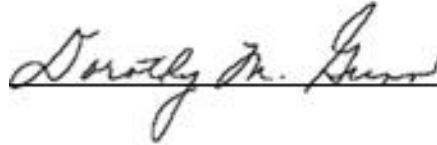
3. Diamond must cease and desist from the alleged violations.

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 172 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 2nd day of April 1998, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board