

ILLINOIS POLLUTION CONTROL BOARD

March 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-50
)	(Enforcement – Air, Land)
MacMURRAY COLLEGE, an Illinois not-for-)	
pecuniary profit corporation,)	
)	
Respondent.)	

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

On October 9, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against MacMurray College. See 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that MacMurray College violated Sections 9.1(d), 21(a), (d)(1) and (2), (e), and (p)(1) and (7) of the Environmental protection Act (Act), Sections 722.111, 739.122(c)(1), 808.121(a), and 812.101(a) of the Board's hazardous and solid waste regulations, and several sections of the federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos. 415 ILCS 5/9.1(d), 21(a), (d)(1) and (2), (e), and (p)(1) and (7) (2002); 35 Ill. Adm. Code 722.111, 739.122(c)(1), 808.121(a), and 812.101(a). The People further allege that MacMurray College violated these provisions while renovating an old fieldhouse owned by the private college. The complaint concerns renovation activities conducted in 2001 at a fieldhouse located at 460 Hardin Street, Jacksonville, Morgan County.

On January 20, 2005, the People and MacMurray College filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Jacksonville Journal-Courier* on February 2, 2005. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of MacMurray College's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and MacMurray College have satisfied Section 103.302.

Under the proposed stipulation, MacMurray College neither admits nor denies the alleged violations and agrees to implement and complete a supplemental environmental project (SEP) in lieu of paying a civil penalty. Under the SEP, MacMurray College agrees to collect used computers and computer monitors from the community, donate the usable equipment to charitable organizations for use or resale, and dispose of the non-usable equipment in an environmentally acceptable manner. The Board accepts the stipulation and proposed settlement.

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

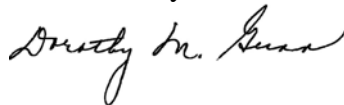
ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. MacMurray College must implement a supplemental environmental project (SEP), as set forth in Exhibit 1 of the stipulation and proposed settlement. The SEP must consist of a program to collect used computers and computer monitors from the community, the donation of usable equipment to charitable organizations for use or resale, and the environmentally acceptable disposal of the non-usable equipment. MacMurray College must complete the SEP within one calendar year after MacMurray commences implementation of this SEP, or upon the final disposal of all collected equipment, whichever occurs later.
3. MacMurray College must certify completion of the SEP by submitting a report to the Illinois Environmental Protection Agency and the Office of the Attorney General within 30 days after completion.
4. MacMurray College must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 3, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board