

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-107
) (Enforcement - EPCRA)
ATWOOD INDUSTRIES, INC., an Illinois)
corporation,)
)
Respondent.)

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

This matter comes before the Board upon a one-count complaint filed December 18, 1996 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 Atwood Industries, Inc. (Atwood), an Illinois corporation, located at 4750 Hiawatha Drive, Rockford, Winnebago County, Illinois. The complaint alleges that Atwood violated Section 25(b) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/25(b)) by failing to timely submit a toxic chemical release form.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on December 18, 1996. The Board published a notice of the waiver on December 23, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on December 18, 1996. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Atwood admits the alleged violation and agrees to pay a civil penalty of \$8,600.

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 stipulation and settlement agreement executed by the People of the State of Illinois and Atwood Industries, Inc. (Atwood), an

Illinois corporation, located at 4750 Hiawatha Drive, Rockford, Winnebago County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

- 2) Atwood shall pay the sum of \$8,600 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 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, IL 62794-9276

The certified check or money order shall clearly indicate on its face Atwood's federal employer identification number 36-3036330 and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), 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) Atwood shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection 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 order was adopted on the _____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board