

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 89-155
) (Enforcement)
DECOR GRAVURE CORPORATION,)
an Alabama Corporation,)
)
Respondent.)

RICHARD VERKLEK, APPEARED ON BEHALF OF COMPLAINANT; AND

FLOYD BABBIT AND THOMAS B. GOLZ, APPEARED ON BEHALF OF
RESPONDENT.

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

This matter comes before the Board upon a complaint filed on October 4, 1989, on behalf of the Illinois Environmental Protection Agency ("Agency"), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against DeCor Gravure Corporation ("DeCor"), located at 1077 Sesame Street, Bensenville, Cook County, Illinois. The complaint alleges that DeCor has violated Sections 9(a) and 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1001, et. seq., and 35 Ill. Adm. Code 201.142 and 215.204(f) of the Board's rules and regulations.

Hearing on this matter was held July 13, 1990, in Chicago, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. DeCor neither admits nor denies the alleged violations. DeCor agrees to pay a civil penalty of \$8,000.00.

The Board has authority to impose a penalty where the parties have stipulated to a penalty, but not to a finding of violation. See, Chemetco, Inc. v. Illinois Pollution Control Board, 140 Ill. App.3d, 283, 488 N.E.2d 639, 643 (5th Dist. 1986); and Archer Daniels Midland v. Pollution Control Board, 140 Ill. App.3d, 823 N.E.2d 887 (3rd Dist. 1986).

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 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 Settlement Agreement executed by the Illinois Environmental Protection Agency and DeCor, concerning DeCor's operations located in Bensenville, Cook County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.

- 2) DeCor shall pay the sum of eight thousand dollars (\$8,000.00) within 30 days of the date of this Order. Such payment shall be made by cashier's check payable to the Treasure 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

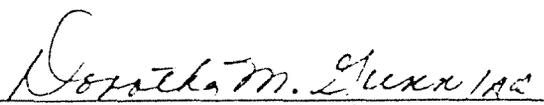
DeCor shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Illinois Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 30th day of August, 1990, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board