

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-154
) (Enforcement - RCRA)
P & H MANUFACTURING COMPANY,)
a Delaware corporation,)
)
Respondent.)

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

On September 7, 1999, complainant filed a stipulation and proposal for settlement, accompanied by an agreed motion requesting relief from the hearing requirement imposed by Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)). Public notice of the proposed settlement was published in the *Shelbyville Daily Union* on September 16, 1999. In accordance with Section 31(c)(2) of the Act, any person may file a written demand for hearing within 21 days after publication of the notice. The Board received no written demand for a hearing. The Board therefore may, and will, grant the agreed motion for relief from the hearing requirement.

The three-count amended complaint filed in this case alleges that respondent P & H Manufacturing Company (P & H) violated the Act and its implementing regulations by allowing transport of hazardous and special waste for disposal on private residential land which did not meet the requirements of the Act for hazardous waste disposal (count I), by allowing drums of hazardous waste to accumulate for more than 270 days, failing to determine the contents of the drums, and failing to mark and label the drums (count II), and by failing to submit annual hazardous waste and special waste reports (count III). Under the proposed settlement, P & H agrees to pay a penalty of \$20,000 to settle this controversy, and to make a donation of \$20,000 to the Midwest Environmental Enforcement Association to be used for environmental enforcement training and coordination in Illinois.

The stipulation submitted by the parties sets forth facts relating to P & H's operations, the alleged violations, and the factors considered by the Board under Sections 33(c) and 42(h) of the Act, 415 ILCS 5/33(c), 42(h) (1998), in crafting final orders and determining monetary penalties. Based on the facts set forth in the stipulation, the Board concludes that the proposed settlement is reasonable. The Board will accept the proposal for settlement.

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

ORDER

1. The hearing requirement of Section 31(c)(1) of the Act is waived in this case.
2. The Board accepts the "Stipulation and Proposal for Settlement" executed by the People of the State of Illinois and P & H. The "Stipulation and Proposal for Settlement" is incorporated by reference as though fully set forth herein. Although not every term of the settlement is set forth in this order, all terms of the settlement are incorporated into this order.
3. P & H must pay \$13,334 within 30 days of the date of this order. Within 210 days of the date of this order, P & H must pay an additional \$6,666. These payments must be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental

Protection Trust Fund. The name and number of this case and P & H's federal employer identification number must appear on the check.

4. The certified checks or money orders must be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the check must be sent to:

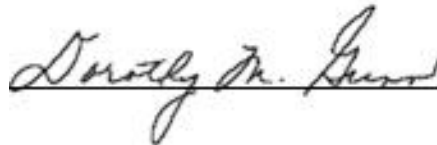
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

5. P & H must make a contribution of \$20,000 to the Midwest Environmental Enforcement Association. The contribution may be made in two payments: \$6,667 must be paid within 210 days of the date of this order; the remaining \$13,333 may be paid within 365 days of the date of this order.
6. P & H must cease and desist from future violations of any environmental statutes or regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 21st day of October 1999 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board