

ILLINOIS POLLUTION CONTROL BOARD  
May 16, 1996

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 95-106  
) (Enforcement - Land)  
)  
CLAUDE F. PERRY and MARTHA )  
PERRY, )  
)  
Respondents. )

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

This matter comes before the Board upon a one-count complaint filed April 2, 1995, 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 Claude F. Perry and Martha Perry (Respondents), owners of the property known as 2001 Collinsville Road, located near the Village of Fairmont, St. Clair County, Illinois. The complaint alleges that respondents have violated Section 55.3(d), (e), (g), and (h) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/55.3(d), (e), (g), and (h) (1994)) by failing to reimburse the State of Illinois for the twenty one thousand nine hundred forty six dollars and forty one cents (\$21,946.41) expended in removing waste tires from 2001 Collinsville Road.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on April 4, 1996. The Board published a notice of the waiver on April 8, 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 April 4, 1996. The Stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondents deny the alleged violations and agree to pay a civil penalty of twenty three thousand, six hundred sixty six dollars, and forty one cents (\$23,666.41).

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 People of the State of Illinois and Claude F. Perry and Martha Perry. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Respondent Martha Perry shall pay the sum of ten thousand, nine hundred seventy-three dollars, and twenty cents (\$10,973.20) within 10 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 Used Tire Management 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

A copy of the payment transmittal and check shall be simultaneously submitted to:

Donna Lutes  
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

The certified check or money order shall clearly indicate on its face Respondent's Federal Employer Identification Number or Social Security Number and that payment is directed to the Used Tire Management Fund.

- 3) Respondent, Martha Perry shall also pay the sum of three hundred and sixty dollars (\$360.00) within 10 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 Hazardous Waste Fund, in the same manner and to the same address provided in paragraph 2 above:

The certified check or money order shall clearly indicate on its face Respondent's Federal Employer Identification Number or Social Security Number and that payment is directed to the Hazardous Waste Fund.

- 4) Respondent, Claude F. Perry shall pay the sum of eleven thousand, nine hundred seventy-three dollars, and twenty-one cents (\$11,973.21) within 10 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 Used Tire Management 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

A copy of the payment transmittal and check shall be simultaneously submitted to:

Donna Lutes  
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

The certified check or money order shall clearly indicate on its face Respondent's Federal Employer Identification Number or Social Security Number and that payment is directed to the Used Tire Management Fund.

- 5) Respondent Claude F. Perry shall also pay the sum of three hundred and sixty dollars (\$360.00) within 10 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 Hazardous Waste Fund, in the same manner and to the same address provided in paragraph 4 above:

The certified check or money order shall clearly indicate on its face Respondent's Federal Employer Identification Number or Social Security Number and that payment is directed to the Hazardous Waste 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.

- 6) Respondents 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 within 35 days of the date of service of this 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 \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board