

ILLINOIS POLLUTION CONTROL BOARD
June 19, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
)
Complainant,) PCB 97-95
) (Enforcement - Air, Land)
v.)
)
CITY OF STERLING, an Illinois)
municipal corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a six-count complaint filed November 26, 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 the City of Sterling, an Illinois municipal corporation, regarding its facility located in Whiteside County, Illinois. The complaint alleges the City of Sterling violated Sections 9(a), 9(c), 21(a), 21(d), 21(e), 21(p)(1), and 21(p)(3) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(c), 21(a), 21(d), 21(e), 21(p)(1), 21(p)(3) (1996)); 35 Ill. Adm. Code 807.201, and 807.202(a), by causing or allowing the open dumping of waste, constructing and operating a waste storage and or waste disposal site without a development or operating permit, the disposal of waste at a unpermitted site, by causing or allowing litter, and by causing or allowing open burning.

On May 13, 1997, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. (415 ILCS 5/31(c)(2)(1996)). The Board published a notice of the waiver on May 22, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. The City of Sterling admits the alleged violations and agrees to pay a civil penalty of three thousand dollars (\$3,000.00).

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 the City of Sterling, an Illinois municipal corporation, regarding its facility located in Whiteside County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) The City of Sterling shall pay the sum of three thousand dollars (\$3,000.00) 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 the City of Sterling's Federal Employer Identification Number 36-6006112 and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

Zemeheret Bereket-Ab
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, IL 60601

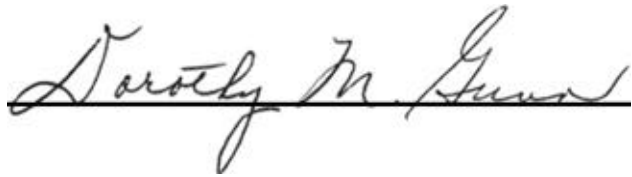
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) The City of Sterling shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 19th day of June 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board