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MAR 31 2000
STATE OF ILLINOIS
Pollution Control Board

THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 AUTO RESEARCH LABORATORIES, INC.,)
 an Illinois corporation,)
)
 Respondent.)

No. PCB 00-1166

NOTICE OF FILING

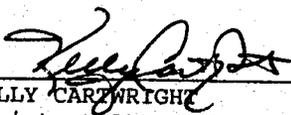
TO: See Attached Service List

PLEASE TAKE NOTICE that on March 31, 2000 we filed with the Pollution Control Board our Complaint, a Motion for Relief from Hearing Requirement and Stipulation and Proposal for Settlement, true and correct copies of which are attached and hereby served upon you.

Respectfully submitted,

JAMES E. RYAN
Attorney General
State of Illinois

BY:


KELLY CARTWRIGHT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-6986

Date: March 31, 2000

SERVICE LIST

William Smart, Esq.
Arnstein & Lehr
Suite 1200
120 South Riverside Plaza
Chicago, Illinois 60606-3710

Julie Armitage
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62702

Gerry Keller
Autoresearch Laboratories, Inc.
6735 South Harlem Avenue
Bedford Park, Illinois 60638

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MAR 31 2000

THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
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 Complainant,)
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 AUTORESEARCH LABORATORIES, INC.,)
 a Delaware corporation,)
)
 Respondent.)

No. PCB 00-1166

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, AUTORESEARCH LABORATORIES, INC., a Delaware corporation, as follows:

COUNT I

FAILURE TO PAY CAAPP FEES

1. This Complaint is brought on behalf of the People of the State of Illinois by James E. Ryan, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA").

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(1998).

3. This Complaint is brought pursuant to the terms and provisions of Section 31 of the Act, 415 ILCS 5/31(1998).

4. At all times relevant to this Complaint, Respondent

AUTORESEARCH LABORATORIES, INC. ("ALI") is and has been a Delaware corporation and in good standing with the Illinois Secretary of State.

5. At all times relevant to this Complaint, ALI has owned and operated two research and development laboratories for the testing of engine fuel, oils, and components for the automotive industry.

6. One laboratory is located in the Harvey Technical Center Industrial Park, at 14750 Wallace Avenue, Harvey, Cook County, Illinois ("Harvey facility").

7. The other laboratory is located at 6735 South Old Harlem Avenue, Bedford Park, Cook County, Illinois ("Bedford facility").

8. Section 39.5 of the Act, 415 ILCS 5/39.5 (1998), provides the following definitions:

"CAAPP" means the Clean Air Act Permit Program developed pursuant to Title V of the Clean Air Act.

"CAAPP permit". . .means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant

"Regulated Air Pollutant" means the following:

1. Nitrogen oxides (NOx) or any volatile organic compound.
2. Any pollutant for which a national ambient air quality standard has been promulgated.
3. Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.....

"Existing CAAPP Source" means a CAAPP source that commenced operation prior to the effective date of the CAAPP.

9. The Illinois EPA Rules pertaining to the Clean Air Act Permit Program Procedures ("CAAPP"), 35 Ill. Adm. Code Part 270 et seq., became effective on March 7, 1995.

10. ALI is a "stationary source" and "existing CAAPP source" as those terms are defined in Section 270.103 of the Illinois EPA Rules, 35 Ill. Adm. Code 270.103.

11. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (1998), provides in pertinent part, as follows:

2) Applicability

a. Sources subject to this Section shall include:

1. Any major source as defined in paragraph c) of this subsection.

* * * *

c. For purposes of this Section the term "major source" means any source that is:

* * * *

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", . . . 25 tons or more per year in areas classified as "severe". . . .

12. ALI is an "owner or operator" as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (1998).

13. ALI's facilities are located in Cook County, Illinois, a "severe" non-attainment area for ozone.

14. ALI's facilities are "major stationary sources" as that term is defined in Section 39.5(2)(c)(iii)(A) of the Act, 415 ILCS 5/39.5(2)(c)(iii)(A) (1998). Therefore, ALI's facility is subject to the CAAPP, as set forth in Section 39.5 of the Act, 415 ILCS 5/39.5 et seq. (1998) and 35 Ill. Adm. Code 270.107, the corresponding Part 270 Illinois EPA Rules, 35 Ill. Adm. Code 270 et seq..

15. Section 39.5(18) of the Act, 415 ILCS 5/39.5(18) (1998), provides as follows:

18. Fee Provisions.

a. For each 12 month period after the date on which the USEPA approves or conditionally approves the CAAPP, but in no event prior to January 1, 1994, a source subject to this Section or excluded under subsection 1.1 or paragraph 3(c) of this Section, shall pay a fee as provided in this part (a) of this subsection 18. However, a source that has been excluded from the provisions of this Section under subsection 1.1 or paragraph

3(c) of this Section because the source emits less than 25 tons per year of any combination of regulated air pollutants shall pay fees in accordance with paragraph (1) of subsection (b) of Section 9.6 [415 ILCS 5/9.6].

* * * *

ii. The fee for a source allowed to emit 100 tons or more per year of any combination of regulated air pollutants, except for those regulated air pollutants excluded in paragraph 18(f) of this subsection, shall be as follows:

A. The Agency shall assess an annual fee of \$13.50 per ton for the allowable emissions of all regulated air pollutants at that source during the term of the permit. These fees shall be used by the Agency and the Board to fund the activities required by Title V of the Clean Air Act [42 U.S.C. § 7661 et seq.] including such activities as may be carried out by other State or local agencies pursuant to paragraph (d) of this subsection. The amount of such fee shall be based on the information supplied by the applicant in its complete CAAPP permit application or in the CAAPP permit if the permit has been granted and shall be determined by the amount of emissions that the source is allowed to emit annually, provided however, that no source shall be required to pay an annual fee in excess of \$100,000. The Agency shall provide as part of the permit application form required under subsection 5 of this Section a separate fee calculation form which will allow the applicant to identify the allowable emissions and calculate the fee for the term

of the permit. In no event shall the Agency raise the amount of allowable emissions requested by the applicant unless such increases are required to demonstrate compliance with terms of a CAAPP permit.

Notwithstanding the above, any applicant may seek a change in its permit which would result in increases in allowable emissions due to an increase in the hours of operation or production rates of an emission unit or units and such a change shall be consistent with the construction permit requirements of the existing State permit program, under Section 39(a) of this Act [415 ILCS 5/39] and applicable provisions of this Section. Where a construction permit is required, the Agency shall expeditiously grant such construction permit and shall, if necessary, modify the CAAPP permit based on the same application.

- B. Except for the first year of the CAAPP, the applicant or permittee may pay the fee annually or semiannually for those fees greater than \$5,000.

16. Section 270.603 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 270.603 provides, in pertinent part, as follows:

Amount of Fee.

- a) For each twelve-month period beginning after the date on which USEPA approves or conditionally approves the CAAPP, but in no event prior to January 1, 1994, an owner or operator of a source

subject to the CAAPP or excluded pursuant to Section 39.5(1.1) or 39.5(3)(c) of the Act shall pay a fee in accordance with the following:

- 1) The fee for a source allowed to emit less than 100 tons per year of any combination of regulated air pollutants shall be \$1,000 per year; and
 - 2) The fee for a source allowed to emit 100 tons or more per year of any combination of regulated air pollutants shall be the dollar per ton amount set forth within Section 39.5(18) of the Act for each ton of allowable emissions of regulated air pollutants at that source.
- b) The amount of the fee shall be based on the allowable emissions information submitted by the applicant in the fee calculation portion of its CAAPP application, not including emissions of insignificant levels or from insignificant activities, pursuant to 35 Ill. Adm. Code 201.
 - c) No owner or operator of a source shall be required to pay an annual fee in excess of \$100,000.
 - d) Following the first year of the CAAPP, a fee in excess of \$5,000 may be paid annually or

semiannually.

- e) In the event that an owner or operator of a source has paid a fee pursuant to Section 9.6 of the Act during the twelve-month period that includes the date on which the source's initial complete CAAPP application was received by the Agency, the portion of the fee for the months remaining in the twelve-month period subsequent to the date the initial complete CAAPP application was received shall be credited to the owner or operator of the source.
- f) No owner or operator of a source shall be required to pay more than a single dollar-per-ton fee during any billing period for any ton of pollutant emitted (i.e., lead is a particulate (PM-10) and a separate criteria pollutant but will only be subject to a single dollar-per-ton fee).

17. In 1999, the Harvey facility was permitted to emit up to six hundred twenty-six (626) tons of allowable emissions.

18. The Harvey facility's CAAPP fees for 1999 totaled eight thousand four hundred fifty-one dollars (\$8,451.00).

19. ALI received a one hundred dollar (\$100.00) credit and has submitted payment of four thousand two hundred twenty-five dollars and fifty cents (\$4,225.50) towards the 1999 CAAPP fees

for the Harvey facility.

20. To date, ALI owes a balance of four thousand one hundred twenty-five dollars and fifty cents (\$4,125.50) toward its 1999 CAAPP fees for the Harvey facility.

21. In 1999, the Bedford Park facility was permitted to emit seven hundred eleven and six-tenths (711.6) tons of allowable emissions.

22. The Bedford Park facility's CAAPP fees for 1999 totaled nine thousand six hundred six dollars and sixty cents (\$9,606.60).

23. ALI received a one hundred dollar (\$100.00) credit and has submitted payment of four thousand eight hundred three dollars and thirty cents (\$4,803.30) towards the 1999 CAAPP fees for the Bedford Park facility.

24. To date, ALI owes a balance of four thousand seven hundred three dollars and thirty cents (\$4,703.30) towards its 1999 CAAPP fees for the Bedford Park facility.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent ALI, as to Count I;

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding Respondent has violated Section 39.5(18) of the Act and 35 Ill. Adm. Code 270.603;

3. Ordering Respondent to cease and desist from any further violations of Section 39.5(18) of the Act and 35 Ill. Adm. Code 270.603;

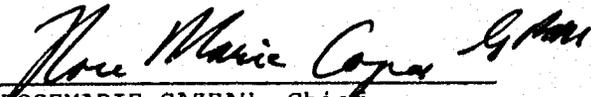
4. Ordering Respondent to pay the 1999 Title V CAAPP fees it owes in the amount of eight thousand eight hundred twenty-eight and eighty cents (8,828.80);

5. Ordering Respondent to pay interest accrued on said 1999 CAAPP fees in the amount of one thousand forty-three dollars and ninety-six cents (\$1,043.96); and

6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. JAMES E. RYAN, Attorney
General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: 

ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

KELLY CARTWRIGHT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-6986

MAR 31 2000

STATE OF ILLINOIS
Pollution Control Board

THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
AUTORESEARCH LABORATORIES, INC.,)
a Delaware corporation,)
)
Respondent.)

No. PCB 00-1166

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (1998), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (1998). In support of this motion, Complainant states as follows:

1. On this date, Complainant is filing a Complaint with the Board, alleging violations of the CAAPP regulations for failure to pay applicable fees.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request

relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (1998).

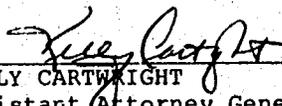
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby request that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (1998).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
JAMES E. RYAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: _____


KELLY CARTWRIGHT
Assistant Attorney General
Environmental Bureau
20th floor
188 West Randolph
Chicago, Illinois 60601
312/814-6986

THE ILLINOIS POLLUTION CONTROL BOARD

MAR 31 2008

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.)
AUTORESEARCH LABORATORIES, INC.,)
a Delaware corporation,)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

No. PCB 00-146

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion, and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), and Respondent, AutoResearch Laboratories, Inc. (hereinafter referred to as "Respondent"), do hereby submit this Stipulation and Proposal for Settlement ("Stipulation"). The parties agree that the Complainant's statement of facts contained herein is agreed to only for the purposes of settlement. The parties further state that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be admissible into evidence, or used for any purpose in this, or any other proceeding, except to enforce the terms hereof, by the parties to this agreement. Notwithstanding the previous sentence, this Stipulation, and any Illinois Pollution Control Board ("Board") order accepting same, may be used as evidence of a past adjudication of a violation of the Illinois Environmental Protection Act ("Act") for purposes of Section 42(h) of the Act, 415 ILCS 5/42(h) (1998). This Stipulation shall be null and void unless the Board approves and disposes of this matter on each and

every one of the terms and conditions of the settlement set forth herein.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 et seq. (1998).

II.

AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Proposal for Settlement and to legally bind them to it.

III.

APPLICABILITY

This Stipulation shall apply to, and be binding upon, the Complainant and Respondent, and any officer, agent, employee or servant of Respondent, as well as the Respondent's successors and assigns. Respondent shall not raise as a defense to any enforcement action taken pursuant to this settlement the failure of its officers, directors, agents, servants or employees to take such action as shall be required to comply with the provisions of this settlement.

IV.

STATEMENT OF FACTS

A. PARTIES

1. The parties to this Stipulation are Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of

the State of Illinois, and Respondent, AutoResearch Laboratories, Inc. ("ALI"), a Delaware Corporation.

2. The subject Complaint was brought by the Attorney General on his own motion and upon the request of the Illinois EPA pursuant to the terms and provisions of Section 42 of the Act, 415 ILCS 5/42 (1998).

3. ALI operates two (2) major stationary sources which are required to pay fees under the Clean Air Act Permitting Program ("CAAPP").

4. ALI has not paid the second installment of its CAAPP fees for 1999.

B. SOURCE DESCRIPTIONS

One laboratory is located in the Harvey Technical Center Industrial Park, at 14750 Wallace Avenue, Harvey, Cook County, Illinois ("Harvey facility").

The other laboratory is located at 6735 South Old Harlem Avenue, Bedford Park, Cook County, Illinois ("Bedford facility").

C. VIOLATIONS

This Stipulation is intended to resolve the allegations in the Complainant's Complaint filed in this matter. The Complaint alleges violations of Section 39.5(18) of the Act, 415 ILCS 5/39.5(18) (1998), and Section 270.603 of the Illinois EPA's regulations, 35 Ill. Adm. Code 270.603 outlined as follows:

COUNT I FAILURE TO PAY CAAPP FEES in violation of
415 ILCS 39.5(18) (1998), and 35 Ill. Adm.
Code 270.603.

V.

EXPLANATION OF PAST FAILURES TO COMPLY

Respondent has been experiencing financial difficulties and has requested an extended payment plan for its CAAPP fees.

VI.

FUTURE PLANS OF COMPLIANCE

Respondent shall in the future pay its CAAPP fees in compliance with the Act, the Board Air Pollution Regulations, and the Illinois EPA Regulations, 35 Ill. Adm. Code Chapter II, Subtitle B.

VII.

IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (1998), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties state as follows:

1. The impact to the public regarding Respondent's noncompliance was that Respondent's facilities continued to emit VOM emissions above major source thresholds without paying its applicable fees. Therefore, Respondent enjoyed the benefit of its CAAPP permit without paying its applicable fees.

2. The parties agree that Respondent's operation is of social and economic value.

3. The parties agree that Respondent's facilities are suitable to the areas where they are located.

4. The parties agree that compliance with the requirements of the Act and Illinois EPA regulations is both technically practicable and economically reasonable.

5. Respondent has implemented measures to operate in compliance with the applicable fee payment provisions by proposing a payment schedule to pay its CAAPP fees, and by seeking to limit its emissions to reduce their applicable fees in the future.

VIII.

CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (1998), provides as follows:

In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the violator in attempting to comply with requirements of this Act and regulations

thereunder or to secure relief therefrom as provided by this Act;

3. any economic benefits accrued by the violator because of delay in compliance with requirements;
4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this act by the violator and other persons similarly subject to the Act; and
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

In response to these factors the parties state as follows:

1. The violations date back to May of 1999, or at least seven months.
2. Respondent has attempted to comply with the CAAPP fee requirements by proposing an extended payment plan.
3. Respondent enjoyed an economic benefit by not timely submitting the fees to the State in May, 1999.
4. The amount required to deter Respondent should include at least the interest on the delinquent fees, or \$1043.96.
5. ALI entered into a Consent and Stipulation in 1997 for violations of Section 21 of the Act.

IX.

TERMS OF SETTLEMENT

1. Respondent admits the violations alleged by the Complainant herein.
2. Respondent shall pay six (6) quarterly payments of one thousand six hundred forty-five dollars and forty-six cents (\$1,645.46), beginning thirty (30) days from the date the Board approves and accepts this Stipulation continuing quarterly thereafter. The first five payments shall be made by certified

checks or money orders, payable to the Treasurer of the State of Illinois, designated to the "Clean Air Act Permit Fund". The certified checks or money orders shall include the site identification numbers on them and 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 checks shall be sent to:

Kelly Cartwright
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601

On the checks or money orders, Respondent shall include the case name, number, and the Respondent's Federal Employer Identification Number ("FEIN") 36-2411266.

For the final payment, six hundred one dollars and fifty cents (\$601.50) shall be made payable to the Treasurer of the State of Illinois, designated to the "Clean Air Act Permit Fund", and the remaining one thousand forty-three dollars and ninety-six cents (\$1,043.96) shall be payable to the State of Illinois and designated to the Environmental Protection Trust Fund.

3. For the purposes of collection, Respondent and its attorney may be reached at the following address:

Mr. Gerry Keller
6735 S. Harlem Avenue
Bedford Park, Illinois 60638
708/563-0900

Mr. William Smart, Esq.
Arnstein & Lehr
120 S. Riverside Plaza, #1200
Chicago, Illinois 60606-3710
312/876-7100

4. In the event that Respondent fails to make all or part of any payment specified in the schedule set forth in Section IX.2, Respondent shall be in default and the unpaid balance owed,

plus any accrued interest, shall become due and owing to Complainant, immediately.

5. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (1998), interest shall accrue on any amount not paid, within the time prescribed herein, at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a) (1998).

a. Interest on unpaid amounts shall begin to accrue from the date the penalty payment is due and continue to accrue to the date payment is received.

b. Where partial payment is made on any payment amount that is due, such partial payment shall be first applied to any interest on unpaid amounts then owing.

c. All interest on amounts owed the Complainant, shall be paid by certified check payable to the Treasurer of the State of Illinois for deposit in the Environmental Protection Trust Fund and delivered in the same manner as described in Section IX.2. herein.

6. Respondent shall at all times maintain the permits required by the Act for all emission sources and air pollution control equipment that it operates at its' facilities by paying all applicable fees associated with the permits pursuant to all applicable state laws and regulations.

7. Respondent shall cease and desist from further violations of the Act and Board regulations, including but not limited to, those Sections of the Act and Board regulations that were the subject matter of the complaint as outlined in Section IV.C. of this Stipulation.

X.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation and Proposal for Settlement in no way affects Respondent's responsibility to comply with any federal, state or local laws and regulations, including but not limited to, the Act, 415 ILCS 5/1 *et seq.* (1998), the Board Regulations and the Illinois EPA Rules, 35 Ill. Adm. Code Subtitle A through H.

XI.

RIGHT OF ENTRY

In addition to any authority at law, the Illinois EPA, its employees and representatives, and the Illinois Attorney General, his agents and representatives, shall have the right of entry to Respondent's place of business at all reasonable times, for the purpose of conducting inspections of Respondent's operation for compliance with the Act and the regulations promulgated thereunder. The Illinois EPA, its employees and representatives, and the Attorney General, his agents and representatives, may take any photographs or samples they deem necessary in order to conduct their inspection.

XII.

RELEASE FROM LIABILITY

In consideration of Respondent's payments of the delinquent CAAPP fees of eight thousand eight hundred twenty-eight dollars and eighty cents (\$8,828.80) and a one thousand forty-three dollar and ninety-six cents (\$1,043.96) civil penalty, commitments to comply with the terms of this Stipulation and

Proposal for Settlement entered herein and with the requirements of the Act, and the regulations promulgated thereunder, the Complainant shall release, waive and discharge Respondent and his officers, directors, employees, agents, successors and assigns from any further liability or penalties from the violations of the Act and Board regulations which were the subject matter of the Complaint herein, upon receipt by the Complainant of all payments required by Section IX.2. However, nothing in this Stipulation and Proposal for Settlement shall be construed as a waiver by Complainant of the right to redress future violations or obtain penalties with respect thereto.

and eighty cents (\$8,828.80) and a one thousand forty-three dollar and ninety-six cents (\$1,043.96) civil penalty, commitments to comply with the terms of this Stipulation and Proposal for Settlement entered herein and with the requirements of the Act, and the regulations promulgated thereunder, the Complainant shall release, waive and discharge Respondent and his officers, directors, employees, agents, successors and assigns from any further liability or penalties from the violations of the Act and Board regulations which were the subject matter of the Complaint herein, upon receipt by the Complainant of all payments required by Section IX.2. However, nothing in this Stipulation and Proposal for Settlement shall be construed as a waiver by Complainant of the right to redress future violations or obtain penalties with respect thereto.

WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

AGREED:

FOR THE COMPLAINANT:

PEOPLE OF THE STATE OF ILLINOIS
JAMES E. RYAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement\Asbestos
Litigation Division

By: *Rosemarie Cazeau* Date: *3/29/00*
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Joseph E. Svobeda* Date: *3/2/2000*
JOSEPH E. SVOBODA
Chief Legal Counsel

FOR THE RESPONDENT:

Gerald H. Keller Date: *3/22/2000*
AUTORESEARCH LABORATORIES, INC.
Gerald H. Keller
President/CEO