

ILLINOIS POLLUTION CONTROL BOARD  
October 25, 1990

PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 89-159  
 ) (Enforcement)  
CROWN CORK & SEAL CO., INC., )  
a New York Corporation, )  
 )  
Respondent. )

JOSEPH WILLIAMS APPEARED ON BEHALF OF THE COMPLAINANT, AND  
ROBERT P. HARRIS APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon a complaint filed October 6, 1989, the People of the State of Illinois ("People"), by and through attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against Crown, Cork and Seal Company, Inc. ("Crown Cork") located at 1035 East North Street, Bradley, Kankakee County, Illinois. The complaint alleges that Crown Cork has violated Section 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ , pars. 1001, et. seq., and 35 Ill. Adm. Code 201.143 of the Board's rules and regulations.

Hearing on this matter was held July 10, 1990 in Kankakee, Illinois. At the hearing, the parties stated that they had reached a settlement agreement. An executed stipulation and proposal for settlement was filed with the Board on October 11, 1990. Crown Cork does not admit the alleged violations. Crown Cork agrees to pay a civil penalty of \$2500.00.

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, 489 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.

Finally, the Board notes that it issued an Order on October 11, 1990, directing the Clerk of the Board to set the matter for hearing on the merits. We hereby vacate such order in light of our receipt of the executed stipulation and proposal for settlement.

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 Crown Cork, concerning Crown Cork's operations located in Bradley, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
2. Crown Cork shall pay the sum of twenty-five hundred dollars (\$2500.00) 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

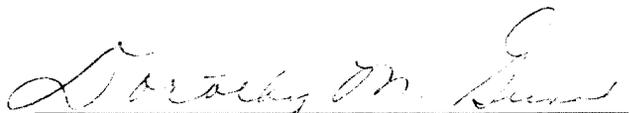
Crown Cork shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, 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 Members J. Dumelle and J. T. 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 25<sup>th</sup> day of October, 1990, by a vote of 5-2.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board