

ILLINOIS POLLUTION CONTROL BOARD
August 10, 1989

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
v.) PCB 89-67
)
B & W CORPORATION,)
)
Respondent.)

RENEE CIPRIANO, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE PETITIONER.

JON C. JACOBSON REPRESENTED B & W CORPORATION.

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

This matter comes before the Board upon a complaint filed on behalf of the Illinois Environmental Protection Agency (Agency) by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against B & W Corporation (B & W). The complaint alleges that B & W has violated Ill. Rev. Stat. 1987, ch. 111½, par. 1009(b), and 35 Ill. Adm. Code 201.143.

A hearing in this matter was held on July 10, 1989. Respondent did not appear. The Assistant Attorney General introduced into evidence a Stipulation and Proposal For Settlement (Stipulation) executed by the parties. The Stipulation addresses the facts and proposed terms of settlement in this matter. The Board notes that among other terms of the Stipulation, B & W admits the violations as alleged in the complaint.

The Board finds the Stipulation acceptable under 35 Ill. Adm. Code 103.180.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

- 1) The Board hereby accepts the Stipulation and Proposal for Settlement executed by B & W Corporation (B & W) and the Illinois Environmental Protection Agency (Agency) concerning B & W's facility at

110 Gateway Road, Bensenville, DuPage County, Illinois, and filed with the Board on July 17, 1989. The Stipulation and Proposal for Settlement is incorporated by reference as though set forth herein.

- 2) B & W, by certified check or money order payable to the Treasurer of the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, shall pay the sum of \$2,500 (two thousand five hundred dollars). The sum shall be paid within 30 days of the date of this Order which approves this Stipulation and Proposal for Settlement.
- 3) The payment 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

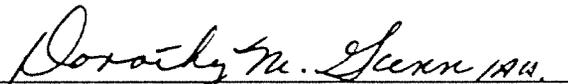
B & W shall also write its Federal Employer Identification Number or Social Security Number upon the certified check or money order.

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.

J. Theodore 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 10th day of August, 1989, by a vote of 6-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board