

ILLINOIS POLLUTION CONTROL BOARD

August 22, 1991

PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 89-157(B)  
 ) (Enforcement)  
 )  
CLYBOURN METAL FINISHING CO., )  
 )  
Respondent. )

ORDER OF THE BOARD (by J.D. Dumelle):

On July 11, 1991, the Board found that Respondent Clybourn Metal had violated Ill. Rev. Stat. 1989, ch. 111-1/2, par. 1009(b) and 35 Ill. Adm. Code 201.143 in that the company operated and released emissions into the air without a permit between May 17, 1987 and August 25, 1989. Moreover, we found that Clybourn had violated the Act knowingly and therefore came under the purview of Section 42(f). Accordingly, we established docket (B) in order to ascertain the costs and fees incurred by the Attorney General in prosecuting this case. On August 9, 1991, the Attorney General filed an affidavit of costs stating that the amount expended in this action totaled \$2,741.80. Accordingly, we order Respondent to pay these costs.

ORDER

1. It is hereby ordered that within thirty days (30) of the date of this Order, Clybourn Metal Finishing Company, Inc. shall, by certified check or money order, payable to the state of Illinois and designated for deposit into the Hazardous Waste Fund, pay as compensation for hearing costs incurred by the Attorney General, the amount of \$2,741.80 which shall be sent to:

Illinois Environmental Protection Agency  
Fiscal Service Division  
2200 Churchill Road  
Springfield, Illinois 62706

Clybourn Metal shall also write its Federal Employer Identification Number or Social Security Number of the certified check or money order.

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, (Ill. Rev. Stat., 1989, ch. 120, par. 10-1003), 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.

2. This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111-1/2, 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. Marlin and J. Anderson dissented. J. Theodore Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Order has been adopted on the 22<sup>nd</sup> day of August, 1991 by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board