

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1995

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 94-174
) (Enforcement-Air)
 FEENEY OIL COMPANY, INC.,)
 an Illinois corporation,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a three-count complaint filed June 8, 1994, 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 Feeney Oil Company, Inc. (Feeney), an Illinois corporation, located near the City of El Paso, Woodford County, Illinois. The complaint alleges that Feeney has violated Section 9.1(d)(1) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/9.1(d) failure to provide notification of asbestos demolition activity, violation of asbestos emission control procedures, and improper disposal of asbestos-containing material.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on November 13, 1995. The Board published a notice of the waiver on November 15, 1995; no objection to granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on November 13, 1995. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Feeney admits the alleged violations and agree to pay a civil penalty of five thousand dollars (\$5,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondents' responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control 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 Feeney Oil Company, Inc., an Illinois corporation, located near the City of El Paso, Woodford County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.

- 2) Feeney shall pay the sum of five thousand dollars (\$5,000.00) within five (5) months of the date of this order. Payment of one thousand dollars (\$1,000.00) shall be made within thirty (30) days of this order. The remaining balance shall be paid in four equal installments of one thousand dollars (\$1,000.00) due thirty days after the first payment, until the penalty is paid in full. 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 its face, Feeney's Federal Employer Identification Number 37-1069787 and that payment is directed to the Environmental Protection Trust Fund.

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, (35 ILCS 5/1003), 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.

- 3) Feeney shall cease and desist from the alleged violations.

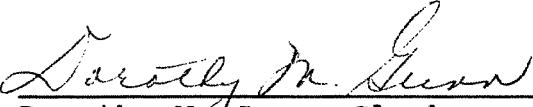
IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35

days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 20th day of December, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board