

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney General)
of the State of Illinois,)

Complainant,)

v.)

PCB No. 22-)
(Enforcement – Land)

PARR INSTRUMENT COMPANY,)
an Illinois corporation,)

Respondent.)

NOTICE OF FILING

To: See attached service list.

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, copies of which are attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk’s office, or an attorney.

NOTIFICATION – YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL, Attorney General
of the State of Illinois

BY: /s/Chelsea K. Neilson
CHELSEA K. NEILSON
Assistant Attorney General
Environmental Enforcement
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706
tx 217-557-5767
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Dated: July 14, 2021

Service List

For the Respondent

Ted Olt III
Lane & Waterman LLP
220 North Main Street, Suite 600
Davenport, Iowa 52801
tolt@L-WLaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General)
of the State of Illinois,)
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Complainant,)
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PARR INSTRUMENT COMPANY,)
an Illinois corporation,)
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Respondent.)

PCB No. 22-
(Enforcement – Land)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Respondent, PARR INSTRUMENT COMPANY, an Illinois corporation, as follows:

COUNT I
FAILURE TO PERFORM HAZARDOUS WASTE DETERMINATION

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2018).

2. The Illinois EPA is an administrative agency of the State of Illinois, created by the Illinois General Assembly pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2018), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), after providing Respondent, Parr Instrument Company, with notice and the opportunity for a meeting with the Illinois EPA.

5. At all times relevant to this Complaint, Respondent, Parr Instrument Company (“Respondent” or “Parr Instrument”), has been an Illinois corporation in good standing with the State of Illinois. Respondent owns and operates a manufacturing facility located at 211 53rd Street, Moline, Rock Island County, Illinois (“Facility”).

6. Respondent manufactures and sells chemical reactors, pressure vessels, calorimeters, combustion vessels, and related equipment developed specifically for laboratory use. Respondent conducts metal fabrication, assembly, and painting operations at the Facility.

7. On September 26, 2019, Illinois EPA inspected the Facility to determine Respondent’s generator status and compliance with applicable regulatory requirements.

8. During the inspection, Illinois EPA learned that Respondent uses polyurethane paint and then cleans its paint guns with a lacquer thinner. Respondent generates approximately two gallons of a mixture of paint and lacquer thinner (“waste paint related material”) every month.

9. During the inspection, Illinois EPA observed one-half gallon of waste paint related material at the Facility. Respondent stated that it had not tested the waste stream to determine if the waste paint related material was hazardous.

10. At the time of the inspection, Respondent was accumulating waste paint related material in an open-top, unlabeled 1-gallon container, and allowing it to dry prior to disposing of it in a non-hazardous waste dumpster provided by a waste disposal company.

11. Upon information and belief, the contents of the dumpster were periodically disposed of at Quad Cities Landfill, which is not permitted to accept hazardous waste.

12. At the time of the inspection, Respondent had not made an accurate determination at the point of generation as to whether the waste paint related material was a hazardous waste in order to ensure that the waste was properly managed.

13. On October 22, 2019, Illinois EPA issued a Violation Notice to Respondent.

14. Section 21(i) of the Act, 415 ILCS 5/21(i) (2018), provides as follows:

No person shall:

* * *

- (i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

16. Respondent is a corporation and therefore a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

17. Section 3.385 of the Act, 415 ILCS 5/3.385 (2018), provides as follows:

“Refuse” means waste.

18. Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), provides as follows:

“Waste” means any garbage ... or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities....

19. Waste paint related material at the Facility is “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2018).

20. Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111, provides as follows:

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure that the waste is properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps:

- (a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.
- (b) The person must determine whether the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.

* * *

21. Section 721.102 of the Board Regulations, 35 Ill. Adm. Code 721.102, provides in pertinent part as follows:

* * *

- (b) A material is a solid waste if it is abandoned in one of the following ways:
 - (1) It is disposed of;

* * *

22. The waste paint related material at the Facility was disposed of by Respondent, meeting the definition of a “solid waste” as that term is defined in Section 721.102 of the Board Regulations, 35 Ill. Adm. Code 721.102.

23. Section 3.220 of the Act, 415 ILCS 5/3.220 (2018), provides the following definition:

“Hazardous waste” means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

24. Respondent did not make an accurate determination at the point of generation as to whether the waste paint related material was a hazardous waste in order to ensure that it was properly managed.

25. By failing to determine whether the waste paint related material it generated was hazardous, Respondent violated Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111.

26. Following the September 26, 2019 inspection and notice of violation, Respondent did conduct a hazardous waste determination, which demonstrated that the waste paint related material is hazardous waste (D001, D005, D006, D007, D008, D035, F003, and F005).

27. By producing hazardous waste in violation of Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111, Respondent has violated Section 21(i) of the Act, 415 ILCS 5/21(i) (2018).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board grant the following relief:

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

B. Finding that Respondent has violated Section 21(i) of the Act, 415 ILCS 5/21(i) (2018), and Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111;

C. Ordering Respondent to cease and desist from any future violations of the Act and associated regulations;

D. Assessing against Respondent a civil penalty not to exceed Twenty-Five Thousand Dollars (\$25,000.00) for each day of violation of Section 21(i) of the Act, 415 ILCS 5/21(i) (2018), and Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111, pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2018);

E. Awarding Complainant its costs in this matter, including reasonable attorney's fees and costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018); and

F. Granting such other relief as the Board may deem appropriate.

COUNT II
FAILURE TO PERFORM SPECIAL WASTE DETERMINATION

1-27. The Complainant realleges and incorporates by reference herein paragraphs 1 through 27 of Count I as paragraphs 1 through 27 of this Count II.

28. Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), provides, in pertinent part, as follows:

No person shall:

* * *

- (e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

29. Section 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 808.121(a), provides, in pertinent part, as follows:

- (a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

30. Section 808.110 of the Board Regulations, 35 Ill. Adm. Code 808.110, provides as follows:

* * *

“Special waste” means any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245. (Section 3.45 of the Act.)

31. Respondent generated the waste paint related material at the Facility, and therefore was required to determine whether it was a special waste.

32. Respondent failed to determine whether the waste paint related material generated at the Facility was a special waste.

33. By failing to determine whether the waste paint related material generated was a special waste, Respondent violated Section 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 808.121(a).

34. By violating Section 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 808.121(a), Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that this Board grant the following relief on this Count II:

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

B. Finding that Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), and Section 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 808.121(a);

C. Ordering Respondent to cease and desist from any future violations of the Act and associated regulations;

D. Assessing against Respondent a civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), and Section 808.121 of the Board Regulations, 35 Ill. Adm. Code 808.121(a), and an additional civil penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each violation, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Awarding Complainant its costs in this matter, including reasonable attorney's fees and costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018); and

F. Granting such other and further relief as this Board deems appropriate and just.

[This portion intentionally left blank]

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL,
Attorney General of the
State of Illinois

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

By: /s/ Andrew Armstrong
ANDREW ARMSTRONG, # 6282447
Chief, Environmental Bureau
Assistant Attorney General

Of Counsel
CHELSEA K. NEILSON, # 6322619
Assistant Attorney General
Environmental Enforcement
Office of the Illinois Attorney General
500 South Second Street
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(217) 557-5767
chelseakasten.neilson@illinois.gov

Dated: July 14, 2021

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by KWAME RAOUL, Attorney General)
 of the State of Illinois,)
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 Complainant,)
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 PARR INSTRUMENT COMPANY,)
 an Illinois corporation,)
)
 Respondent.)

**PCB No. 22-
 (Enforcement – Land)**

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, 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) (2018), moves that the Illinois Pollution Control Board (“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) (2018). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 21(i) of the Act, 415 ILCS 5/21(i) (2018), Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111, and Section 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 808.121(a).
2. Complainant filed its Complaint contemporaneously with the Stipulation.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. 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) 2 of the Act, 415 ILCS 5/31(c)(2) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this Motion for Relief from Hearing Requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2018).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL, Attorney General
of the State of Illinois

BY: /s/Chelsea K. Neilson
CHELSEA K. NEILSON
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Springfield, IL 62706
tx 217-557-5767
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)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and PARR INSTRUMENT COMPANY, an Illinois corporation, (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. Contemporaneously with this Stipulation, a Complaint was filed on behalf of the PEOPLE OF THE STATE OF ILLINOIS by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency

("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2018).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018).

3. At all times relevant to the Complaint, Respondent was and is a corporation registered with the Illinois Secretary of State.

4. At all times relevant to the Complaint, Respondent has been and remains the owner and operator of a manufacturing plant located at 211 53rd Street, Moline, Rock Island County, Illinois ("Facility").

5. Respondent manufactures and sells chemical reactors, pressure vessels, calorimeters, combustion vessels, and related equipment developed specifically for laboratory use. Respondent conducts metal fabrication, assembly, and painting operations at the Facility.

6. On September 26, 2019, Illinois EPA inspected the Facility to determine Respondent's generator status and compliance with applicable regulatory requirements.

7. During the inspection, Illinois EPA learned that Respondent uses polyurethane paint and then cleans its paint guns with a lacquer thinner. Respondent generates approximately two gallons of a mixture of paint and lacquer thinner ("waste paint related material") every month.

8. During the inspection, Illinois EPA observed one-half gallon of waste paint related material at the Facility. Respondent stated that it had not tested the waste stream to determine if the waste paint related material was hazardous.

9. At the time of the inspection, Respondent was accumulating waste paint related material in an open-top, unlabeled 1-gallon container, and allowing it to dry prior to disposing of it in a non-hazardous waste dumpster provided by a waste disposal company.

10. At the time of the inspection, Respondent had not made an accurate determination at the point of generation as to whether the waste paint related material was a hazardous waste in order to ensure that the waste was properly managed.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Failure to Perform Hazardous Waste Determination
415 ILCS 5/21(i)
35 Ill. Adm. Code 722.111

Count II: Failure to Perform Special Waste Determination
415 ILCS 5/21(e)
35 Ill. Adm. Code 808.121(a)

C. Admission of Violations

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

On December 5, 2019, Respondent informed the Complainant that a waste determination had been conducted for all waste paint related materials, to determine whether the waste paint related material was a hazardous waste in order to ensure that the waste is properly managed. It was determined by Respondent that the Lacquer Thinner observed in a 5 gallon container by the Complainant is a hazardous waste product and must therefore be disposed of in the appropriate container during the manufacturing process. Respondent provided a copy of its Paint Work Procedure, which outlines all steps taken during all phases of the painting process.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation

the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), 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 to the Stipulation states the following:

1. Human health and the environment were threatened by Respondent's violations.
2. The Facility provides social and economic benefit.
3. Operation of the Facility was and is suitable for the area in which it is located, so

long as it is operated in compliance with the Act and Board regulations.

4. Compliance with the Act and Board regulations is both technically practicable and economically reasonable.

5. Respondent has subsequently corrected the violations of the Act and Board Regulations alleged in the Complaint.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), provides as follows:

In determining the appropriate civil penalty to be imposed under 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 respondent 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 respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The violations posed a moderate potential for harm as the actions have or may have a significant adverse effect on the statutory or regulatory purposes or procedures for implementing the relevant program. There was a moderate extent of deviation from requirements as Respondent significantly deviated from the requirements of the Act.

2. The violations posed a moderate potential for harm.

3. Respondent was diligent in taking the appropriate actions after Illinois EPA informed it of the violations.

4. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

5. Complainant has determined, based upon the specific facts of this matter, that a penalty of Twelve Thousand Dollars (\$12,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

6. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

7. Self-disclosure is not at issue in this matter.

8. The settlement of this matter does not include a supplemental environmental project.

9. A Compliance Commitment Agreement was not at issue for this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Twelve Thousand Dollars (\$12,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Chelsea K. Neilson
Assistant Attorney General
Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

D. Future Compliance

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent's Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

3. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$12,000.00 penalty, its commitment to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneously with this

Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

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

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


PEOPLE OF THE STATE OF ILLINOIS,


ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

JOHN J. KIM, Director
Illinois Environmental Protection Agency

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

By: 
ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

By: 
CHARLES W. GUNNARSON
Chief Legal Counsel

Date: 07/08/2021

Date: 7/8/21

PARR INSTRUMENT COMPANY

By: 
James A. Nelson, President and CEO

Date: 0-15-2021

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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by KWAME RAOUL, Attorney General)
of the State of Illinois,)
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Complainant,)
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v.)
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PCB No. 22-
(Enforcement – Land)

CERTIFICATE OF SERVICE

I hereby certify that I did on July 14, 2021, caused to be served by certified mail true and correct copies of the Complaint, Stipulation for Proposal of Settlement, and Motion for Relief from Hearing Requirements:

Ted Olt III
Lane & Waterman LLP
220 North Main Street, Suite 600
Davenport, Iowa 52801
tolt@L-WLaw.com

/s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this certificate of service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk