

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-207
) (Enforcement - RCRA)
PIECE WORK SPECIALISTS, INC.,)
an Illinois corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by M. McFawn):

On March 29, 1996, the Illinois Attorney General, on behalf of the People of the State of Illinois (complainant), filed a 15-count complaint against Piece Work Specialists, Inc. (respondent), an Illinois corporation located at 300 West Adams Street, P.O. Box 477, Morton, Tazewell County, Illinois.

The complaint alleged that respondent violated Sections 21(f)(1) and 21(f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/21(f)(1), (f)(2) (1996)) and 35 Ill. Adm. Code 722.111, 722.140(c), 725.113(a) and (b), 703.121, 725.114, 725.115(a), (b), and (d), 725.116, 725.117, 725.131, 725.132, 725.133, 725.134, 725.135, 725.137, 725.151, 725.152, 725.153, 725.155, 725.173, 725.174, 725.175, 722.144, 725.177, 725.212(a), 725.242(a), 725.271, 725.273, 725.274, and 725.276, by failing to conduct a hazardous waste determination; operating a hazardous waste storage facility without a permit; failing to provide adequate security; failing to have a written inspection report on-site, failing to train personnel; violating ignitable waste standards; by improperly maintaining the facility; violating equipment standards; violating prevention standards; failing to implement and maintain a contingency plan; failing to appoint an emergency coordinator; failing to maintain an operating log; failing to submit an annual report; failing to maintain a closure report; and failing to inspect the container storage area.

On March 2, 1998, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) of the Act that proposed stipulation and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the waiver on March 11, 1998. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and settlement agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. Respondent admits the following alleged violations only: Sections 21(f)(1) and 21(f)(2) of the Act (415 ILCS

5/21(f)(1), (f)(2) (1996)) and 35 Ill. Adm. Code 722.111, 722.140(c), 725.113(a) and (b), and 703.121 (stip. at 5). Respondent denies all other violations and agrees to pay a total civil penalty of \$12,000. The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180.

The 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.

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 Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and Piece Work Specialists, Inc. (respondent), an Illinois corporation located at 300 West Adams Street, P.O. Box 477, Morton, Tazewell County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay a total sum of \$12,000 within twelve months of the date of this order, on or before April 16, 1999. Within 30 days of the date of this order, on or before May 16, 1998, respondent shall pay one installment of \$3,000, followed by ten monthly payments of \$900 each. Each subsequent \$900 payment will be due the 5th day of the month, starting on June 5, 1998, until the balance is paid in full. Such payments 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
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on the respondent's federal employer identification number 37-1159544 and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is

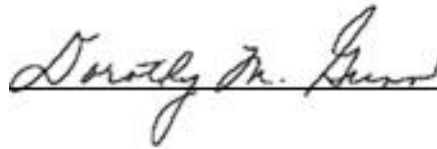
stayed during the pendency of an appeal, interest shall not accrue during such stay.

3. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 16th day of April 1998, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in dark ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board