

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-263
) (Enforcement - Air)
FIELD CONTAINER COMPANY, LTD., a)
Delaware Limited Partnership, and FIELD)
CONTAINER MANAGEMENT)
CORPORATION, a Delaware corporation,)
)
Respondents.)

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

This matter comes before the Board upon a three-count complaint filed on June 26, 1996, by the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois, against Field Container Company, Ltd., a Delaware limited partnership, and Field Container Management Corporation, a Delaware corporation (respondents) located at 1500 Nicholas Boulevard, Elk Grove Village, Cook County, Illinois. The complaint alleges that respondents violated Sections 9(a) and 9(b) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b) (1996)) and 35 Ill. Adm. Code 201.142, 201.143, and 201.144 by constructing and operating a new emission source without a permit and operating an existing emission source without a permit.

On September 8, 1997, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) 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 September 25, 1997. The Board did not receive any objections to the granting of the waiver. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondents neither admit nor deny the alleged violations, and agree to pay a total civil penalty of \$35,000 and to perform a supplemental environmental project.

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 finding 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 Field Container Company, Ltd., a Delaware Limited Partnership, and Field Container Management Corporation, a Delaware corporation (respondents) located at 1500 Nicholas Boulevard, Elk Grove Village, Cook County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) Respondent shall pay the sum of \$35,000 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois 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
Springfield, IL 62702

The certified check or money order shall clearly indicate on its face respondents' federal employer identification number, 36-3822204, and that payment is directed to the Environmental Protection Trust Fund.

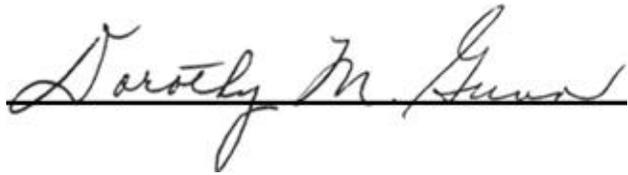
Any portion of such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Within one hundred and eighty days (180) of the approval of this order, respondents shall implement a pollution prevention opportunity assessment at its facility for the purpose of identifying pollution prevention opportunities for waste minimization, reduction or elimination. Respondents shall perform the prevention opportunity assessment in accordance with the scope of work outlined in attachment A of the incorporated stipulation and settlement agreement.
- 4) 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 145 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 opinion and order was adopted on the 6th day of November 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board