

ILLINOIS POLLUTION CONTROL BOARD
March 21, 1996

PEOPLE OF THE STATE OF ILLINOIS)	
)	
Complainant,)	
)	
v.)	PCB 96-32
)	(Enforcement - RCRA)
HARPER-WYMAN COMPANY,)	
a Delaware corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by E. Dunham):

This matter comes before the Board on an "Agreed Motion for Reconsideration and Modification of March 7, 1996 Order" filed on March 15, 1996. The parties request that "Harper-Wyman admits the alleged violation" be stricken from the order because the Stipulation and Proposal for Settlement submitted by the parties did not contain an admission of violation.

The Board hereby grants the motion for reconsideration. The Board hereby voids its order of March 7, 1996 and reissues its order with the correction.

This matter comes before the Board upon a one-count complaint filed August 3, 1995, 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 Harper-Wyman Company (Harper-Wyman), a Delaware Corporation located at 525 Elm Place, Princeton, Bureau County. The complaint alleges that Harper-Wyman has violated Section 21(i) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/21(i)) and 35 Ill. Adm. Code 722.141(a) by failure to file its hazardous waste annual report in a timely fashion.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on January 8, 1996. The Board published a notice of the waiver on January 25, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on January 8, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Harper-Wyman agrees to pay a civil penalty of thirteen thousand dollars (\$13,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This 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 Settlement Agreement executed by the People of the State of Illinois and Harper-Wyman Company, a Delaware Corporation located at 525 Elm Place, Princeton, Bureau County. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Harper-Wyman shall pay the sum of thirteen thousand dollars (\$13,000.00) 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 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, Harper-Wyman's Federal Employer Identification Number 36-2938018 and that payment is directed to the Environmental Protection Trust Fund.

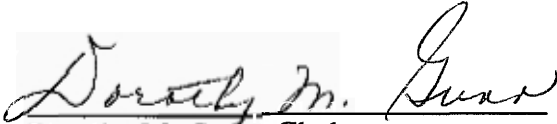
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during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

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

IT IS SO ORDERED.

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 order was adopted on the 21st day of March, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board