

ILLINOIS POLLUTION CONTROL BOARD

April 18, 1996

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 95-175  
 ) (Enforcement - Air)  
 POLYMER COLOR, INC., an Illinois )  
 corporation, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board upon a three-count complaint filed June 20, 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 Polymer Color, Inc. (Polymer) which had been located at 740 B Industrial Drive, Cary, McHenry County, Illinois from January 1984 until December 1991. From May 1991 until the present, Polymer has been located at 1515 Miller Parkway, McHenry, McHenry County, Illinois. The complaint alleges that Polymer has violated Sections 9(a) and 9(b) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/9(a), 9(b) (1994)) and 35 Ill. Adm. Code 201.141, 35 Ill. Adm. Code 201.142 and 35 Ill. Adm. Code 201.143 by constructing and operating emission sources without the proper permits.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on March 15, 1996. The Board published a notice of the waiver on March 20, 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 March 15, 1996. The Stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Polymer neither admits nor denies the alleged violations and agrees to pay a civil penalty of eighteen thousand dollars (\$18,000.00).

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 Polymer Color, Inc., an Illinois corporation located at 1515 Miller Parkway, McHenry, McHenry County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Polymer shall pay the sum of eighteen thousand dollars (\$18,000.00) 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 Polymer's Federal Employer Identification Number 36-3298140 and that payment is directed to the Environmental Protection Trust Fund.

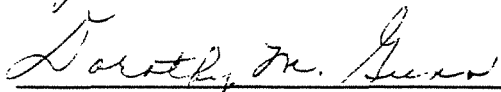
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during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

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

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18<sup>th</sup> day of April, 1996, by a vote of 5-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board