

ILLINOIS POLLUTION CONTROL BOARD  
December 16, 1993

PEOPLE OF THE STATE	)	
OF ILLINOIS,	)	
Complainant,	)	
	)	
v.	)	PCB 93-231
	)	(Enforcement)
Prestwick Utilities Company,	)	
a dissolved Illinois	)	
Corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a four-count complaint filed November 22, 1993 filed by Roland W. Burris, Attorney General of the State of Illinois on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Prestwick Utilities Company, a dissolved Illinois Corporation. Prestwick maintains an office located in Northbrook, Cook County, Illinois. The complaint involves Prestwick's Wastewater Treatment Facility located at 191st Street and 80th Avenue in Frankfort, Will County, Illinois. The complaint alleges that respondent violated the Environmental Protection Act: Sections 12(a) (cause, threaten or allow water pollution); 12(f) (discharge of a contaminant into the water of the state without an NPDES permit); and 35 Ill. Adm. Code Sections 304.141(a), 309.102(a), 304.106, 302.203, 304.105, and 305.102(b) of the Board's rules.

Pursuant to 415 ILCS 5/31(a)(1), a joint motion requesting relief from the Act's hearing requirement was filed by the parties on November 22, 1993. Notice of the waiver was published by the Board on November 25, 1993; no request for a hearing, nor objection to our granting the waiver has been received. Waiver of the hearing is hereby granted.

A proposed stipulation and settlement agreement was filed by the parties on November 22, 1993. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Prestwick neither admits nor denies the allegations of the complaint and agrees to pay a civil penalty in the amount of of Fourteen Thousand Dollars (\$14,000.00). Where the respondent does not admit to a violation in the settlement agreement, the Board nonetheless has the authority to approve such agreement. (Chemetco, Inc. v. Illinois Pollution Control Board, 140 Ill. App.3d 283, 488 N.E.2d 639, 643 (5th Dist. 1986); Archer Daniels Midland v. Pollution Control Board, 140 Ill.App.3d 823, 489 N.E.2d 887 (3rd Dist. 1986)).

Pursuant to the settlement procedure requirements set forth in 35 Ill. Adm. Code 103.180, the Board hereby accepts the settlement

agreement as proposed by the parties. The settlement agreement in no way affects the respondent's obligation 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 Prestwick Company concerning the company's operations located at 191st Street and 80th Avenue in Frankfort, Will County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Prestwick Company shall pay the sum of Fourteen Thousand Dollars (\$14,000.00) within 30 days from the date of the entry 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

Prestwick Company shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

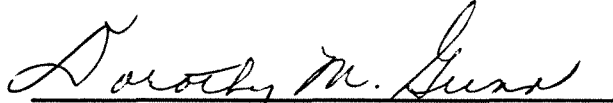
Any such penalty not paid within the time prescribed (approximately seven and a half months from the final entry of this order) shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment 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.

IT IS SO ORDERED.

J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (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 opinion and order was adopted on the 16<sup>th</sup> day of December, 1993, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board