

ILLINOIS POLLUTION CONTROL BOARD
September 9, 1993

PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 93-94
)	(Enforcement)
COOPER TOOLS, a division of)	
Cooper Industries, Inc., an)	
Ohio corporation,)	
)	
Respondent.)	

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

This matter is before the Board upon a complaint filed May 18, 1993 on behalf of the People of the State of Illinois, by and through its attorney, Roland W. Burris, Attorney General of the State of Illinois, against Cooper Tools (Cooper), located in Sycamore, DeKalb County, Illinois. The complaint alleges that Cooper has violated Sections 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b)), and 35 Ill. Adm. Code 201.142 of the Board's rules and regulations.

On July 29, 1993, the parties filed a joint motion requesting relief from the Act's hearing requirement, pursuant to Section 31(a)(1). Notice of the request for waiver was published by the Board on August 10, 1993; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

Cooper does not admit the alleged violations as they relate to Cooper's magnus washers, but admits to past violations as they relate to Cooper's kit box paint line and tank painting equipment. Cooper agrees to pay a \$7,000 penalty into the Environmental Protection Trust Fund. The Board has authority to impose a penalty where the parties have stipulated to a penalty, but not to a finding of violation. (See, Chemetco, Inc. v. Illinois Pollution Control Board (5th Dist. 1986), 140 Ill. App.3d 283, 488 N.E.2d 639, 643; Archer Daniels Midland v. Pollution Control Board (3rd Dist. 1986), 140 Ill.App.3d 823, 489 N.E.2d 887.

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, the Illinois Environmental Protection Agency, and Cooper Tools, concerning Cooper's operations located in Sycamore, DeKalb County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
2. Cooper Tools shall pay the sum of seven thousand dollars (\$7,000.00) 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

Cooper Tools 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 shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (1992)) as now or hereafter amended, from the date of 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. Cooper Tools shall cease and desist from further violations of the Act.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for the appeal of final Board orders. The Rules of the Supreme Court of Illinois establish filing requirements. (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 9th day of September, 1993, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board