ILLINOIS POLLUTION CONTROL BOARD April 4, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
)	PCB 95-135
v.)	(Enforcement - Special Waste Hauling)
)	
YESLEY SERVICE COMPANY, INC.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a two-count complaint filed April 24, 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 Yesley Service Company, Inc.(Yesley), an Illinois corporation located in Steelville, Randolph County. The complaint alleges that Yesley has violated Sections 21(a), 21(d) and 21(p) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/21(a), 21(d), 21(p) (1994)) and 35 Ill. Adm. Code 808.121 by failure to provide a special waste determination and by allowing the open dumping of waste materials.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on March 1,1996. The Board published a notice of the waiver on March 6, 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 February 20, 1996. The Stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Yesley denies the alleged violations and agrees to pay a civil penalty of five thousand dollars (\$5,000.00).

The Board finds the settlement agreement acceptable under 35 III. 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

- The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Yesley Service Company, Inc., an Illinois corporation located in Steelville, Randolph County. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Yesley shall pay the sum of five thousand dollars (\$5,000.00) within 60 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 Yesley's Federal Employer Identification Number 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) Yesley 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.")

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board