

ILLINOIS POLLUTION CONTROL BOARD  
November 4, 1993

PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 91-157  
 ) (Enforcement)  
THE GRIGOLEIT COMPANY, )  
an Illinois Corporation, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a joint motion to reconsider and modify opinion and order dated November 1, 1993. The motion seeks modification of the Board's opinion and order on October 21, 1993 in this matter.

The joint motion seeks to have the Board make two changes in our order. First, it seeks to have the Board remove all references to the word "penalty" in paragraph 4 of the opinion and paragraph 2 of the order and the words "civil penalty" from paragraph 3. In support, the parties state that the Grigoleit Company has challenged the alleged violations throughout this proceeding by asserting that it has been in compliance. The word "payment" is acceptable to the parties under these circumstances. Second, the parties want the removal of the cease and desist order from paragraph 3 of the order.

The Board will grant the request for modification by making the changes prayed. Additionally, the Board, on our own motion, corrects another error in the order. The stipulation provided for payment into the Hazardous Waste Fund. Upon further review of the order, the Board finds that, in paragraph 2, it must correct the order by redesignating payment from the Hazardous Waste Fund to the Environmental Protection Trust Fund. The Board is without statutory authority to do otherwise, assuming that the parties desire payment into a special fund (rather than into the General Revenue Fund). (See 30 ILCS 105/4 (General Revenue Fund defined)). Section 42(a) of the Environmental Protection Act authorizes the Board to order special fund payments to be made only into the Environmental Protection Trust Fund.

In the interests of procedural economy, the Board is hereby correcting paragraph 2 of its order to delete "Hazardous Waste Fund" and substitute in lieu thereof "Environmental Protection Trust Fund" as the designated fund. The parties are free to file a motion to reconsider this action.

nois and The Grigoleit Company, concerning its operations located in Decatur, Macon County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.

- 2) The Grigoleit Company shall pay the sum of Twenty Thousand Dollars (\$20,000.00) 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

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

Any such payment 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 payment has been stayed.

- 3) For a period of one year from the date of the Board's approval of the Stipulation and Proposal for Settlement, the Grigoleit Company shall not operate its facility as a hazardous waste treatment, storage, or disposal facility without first obtaining a permit for such operation to the extent that such permit is required by state and federal regulations implementing Section 3005 of the Resource Conservation and Recovery Act.

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.)

IT IS SO ORDERED.