

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1990

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 90-72
) (Enforcement)
CLEVELAND CORPORATION,)
an Illinois corporation,)
)
Respondent.)

APPEARANCE FOR COMPLAINANT BY RICHARD VERKLER, ASSISTANT ATTORNEY GENERAL.

APPEARANCE FOR RESPONDENT BY THOMAS RUECKERT.

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

This matter comes before the Board upon a five count complaint filed April 20 1990, on behalf of the People of the State of Illinois ("People"), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against Cleveland Corporation located in Zion, Lake County, Illinois. The complaint alleges that Cleveland Corporation has violated Sections 9(a), (b) and (c) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, pars. 1001, et. seq., and 35 Ill. Adm. Code 201.142, 201.143 and 237.102(a) of the Board's rules and regulations.

Hearing on this matter was held June 28, 1990, in Waukegan, Lake County, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Cleveland Corporation admits to past violations of Section 9(a) and (c) of the Act and 35 Ill. Adm. Code 201.143 and 237.102(a) and agrees to pay a civil penalty of six thousand dollars (\$6,000) in four equal quarterly installments. Cleveland Corporation further agrees to cease and desist from the alleged violations.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. It should be noted that the Settlement Agreement does not refer to either Section 9(b) of the Act or 35 Ill. Adm. Code 201.142; however, the Stipulation does release Respondent from further liability and penalties under the complaint. 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 Cleveland Corporation, concerning Cleveland Corporation's operations located in Lake County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Cleveland Corporation shall pay the sum of six thousand dollars (\$6,000), in four equal quarterly installments. The first such installment shall be made within 30 days of the date of this Order. Such payments 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

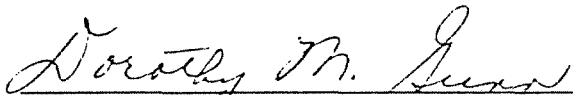
Cleveland Corporation shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

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 August, 1990, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board