

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1993

PEOPLE OF THE STATE)
OF ILLINOIS,)
Complainant,)
)
v.) PCB 93-216
) (Enforcement)
ALUMINUM COIL ANODIZING)
CORPORATION, an Illinois)
Corporation,)
)
Respondent.)

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

This matter comes before the Board upon a two-count complaint filed November 18, 1993 on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois ("People"), by and through Roland W. Burris, Attorney General of the State of Illinois, against the Aluminum Coil Anodizing Corporation, an Illinois Corporation located at 501 East Lake Street, Streamwood, Cook County, Illinois. The complaint alleges the Aluminum Coil Anodizing Corporation violated Sections 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b)) and 35 Ill. Adm. Code Sections 201.141, 201.144 and 214.303(a) 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 18, 1993. Notice of the waiver was published by the Board on November 19, 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 18, 1993. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. The parties agree that the stipulation and the settlement agreement do not constitute an admission on the part of respondent of violating the Act or its corresponding regulations. Aluminum Coil Anodizing Corporation agrees to pay a civil penalty of Seventeen Thousand Five Hundred Dollars (\$17,500.00). The Board has authority to impose such a penalty where the parties have agreed upon the respondents payment of a penalty, but have not stipulated to a finding of violation. (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 Aluminum Coil Anodizing Corporation concerning the company's operations located at 501 East Lake Street, Streamwood, Cook County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Aluminum Coil Anodizing Corporation shall pay the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) pursuant to the following payment schedule: \$2,500.00 within 30 days after entry of this Board's final order; and \$2,500.00 every 30 days thereafter until such time as payment totaling \$17,500.00 is paid in full. 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

Aluminum Coil Anodizing Corporation 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.

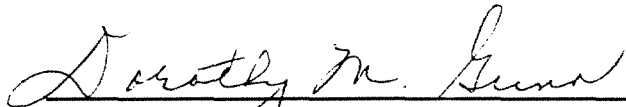
- 3) Aluminum Coil Anodizing Corporation shall cease and desist from the alleged violations.

J. Theodore Meyer concurred.

IT IS SO ORDERED.

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 16th day of December, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board