

ILLINOIS POLLUTION CONTROL BOARD
September 12, 1991

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 86-56
)	(Enforcement)
TRILLA STEEL DRUM CORPORATION,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by B. Forcade):

This matter comes to the Board on remand from Trilla Steel Drum Corporation v. The Pollution Control Board, 180 Ill. App. 3d 1010, 536 N.E. 2d 788, 129 Ill. Dec. 738 (1989). On March 13, 1989, the First District issued an Opinion and on November 14, 1989, the Board received the Mandate in this matter. That decision by the First District reversed the Board's penalty determination and, "...[r]emanded for consideration of an appropriate penalty as warranted by the circumstances of this case." The Board set this matter for hearing to determine the appropriate penalty. Hearing was held June 21, 1991; the transcript was filed August 30, 1991. On August 16, 1991, the parties filed a stipulation and proposal for settlement, which was discussed at hearing.

The Stipulation sets forth a stipulation of material facts pertaining to the history of this proceeding and the nature of respondent's activities. Trilla agrees to pay a penalty of Three Thousand Dollars (\$3,000.00) payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund.

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 Illinois Environmental Protection Agency) and Trilla Steel Drum Corporation, concerning violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.141 by Trilla's operations located in Chicago, Illinois. The

Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.

2.) Trilla shall pay the sum of Three Thousand Dollars (\$3,000.00) 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:

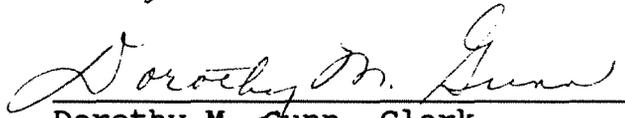
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Trilla 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. 1987, ch. 111½, 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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 13th day of September, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board