

ILLINOIS POLLUTION CONTROL BOARD  
December 16, 1993

PEOPLE OF THE STATE	)	
OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 93-214
	)	(Enforcement)
HANDY & HARMAN,	)	
a New York Corporation,	)	
	)	
Respondent.	)	

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

This matter comes before the Board upon a complaint filed November 10, 1993, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Handy & Harman, a New York Corporation operating a facility located at 1900 Estes Avenue, Elk Grove Village, Cook County, Illinois. The complaint alleges that Handy & Harman has violated Sections 21(i) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/21(i) and 35 Ill. Adm. Code 722.141(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 10, 1993. Notice of the waiver was published by the Board on November 17, 1993; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

A Stipulation and Settlement Agreement was filed by the parties on November 10, 1993. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Handy & Harman admits the alleged violations and agrees to pay a civil penalty of twenty-five thousand dollars (\$25,000.00).

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. However, pursuant to Section 103.180(c), we are suggesting a revision to the agreement and redirecting the payment of the \$25,000 penalty from the Hazardous Waste Trust Fund to the Environmental Protection Trust Fund. The Board is generally authorized to approve the payment of penalties for violations of the Act or corresponding regulations to the Environmental Protection Trust Fund (415 ILCS 5/42(a)), and, inter alia, is specifically authorized to direct penalties to the Hazardous Waste Fund for violations of Sections 42(f) and 22.2(k). (415 ILCS 5/42(f) and 415 ILCS 5/22.2(k).) Though the instant case involves violations of "hazardous waste" reporting requirements, the complaint does not

allege violations of either Section 42(f) or 22.2(k), but instead is brought pursuant to Section 21(i) of the Act and 35 Ill. Adm. Code 722.141(a).

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 Handy & Harman, concerning its operations located in Elk Grove Village, Cook County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) The Handy & Harman shall pay the sum of twenty-five thousand dollars (\$25,000.00) 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

Handy & Harman 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 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.

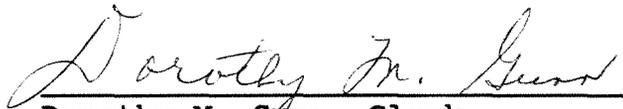
- 3) Handy & Harman shall cease and desist from the alleged violations.

IT IS SO ORDERED.

J. Theodore Meyer concurred.

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 16<sup>th</sup> day of December, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board