

ILLINOIS POLLUTION CONTROL BOARD

May 16, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 00-33
) (Enforcement - Air)
LAIDLAW CORPORATION, an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On August 20, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Laidlaw Corporation, an Illinois corporation (Laidlaw). See 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Laidlaw violated Sections 9(a) and (b), and 39.5(6)(a) of the Illinois Environmental Protection Act (Act) (415 ILCS 415 ILCS 5/9(a),(b) and 39.5(6)(a) (2000)), Sections 201.141, 201.208 and 215.204(j)(5) of the Board's regulations (35 Ill. Adm. Code 201.141, 201.208 and 215.204(j)(5)), and condition 7 of its operating permit. The People further allege that Laidlaw violated these provisions by allowing excess emissions of volatile organic material (VOM) at its facility located in Metropolis, Massac County.

On April 8, 2002, the People and Laidlaw filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief, including published notice in the *Metropolis Planet*. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Laidlaw's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and Laidlaw have satisfied Section 103.302. Laidlaw neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$50,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

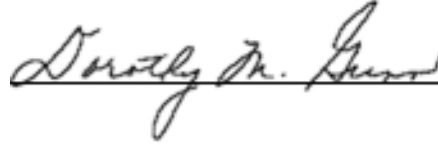
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Laidlaw must pay a civil penalty of \$50,000 no later than June 17, 2002, which is the 32nd day after the date of this order, the 30th day being a Saturday. Laidlaw must pay the civil penalty by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and Laidlaw's federal employer identification number must be included on the certified check or money order.
3. Laidlaw must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Laidlaw must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 16, 2002, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board