

ILLINOIS POLLUTION CONTROL BOARD  
June 7, 1990

PEOPLE OF THE STATE OF ILLINOIS                    )  
  )  
  )                    Complainant,  
  )  
  )                    v.                    PCB 90-14  
  )                    (Enforcement)  
PQ CORPORATION,                                        )  
a Pennsylvania corporation,                            )  
  )  
  )                    Respondent.                    )

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a complaint filed on January 25, 1990, on behalf of the People of the State of Illinois (hereinafter "People") by and through their attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against PQ Corporation, a Pennsylvania corporation (hereinafter "PQ") located in Utica, Illinois. The complaint alleges that PQ caused or allowed the discharge of a contaminant into a water of the State of Illinois which resulted in violations of Section 12(a) of the Environmental Protection Act ("Act"), Ill. Rev. Stat. 1987, ch. 111½, pars. 1001, et. seq., and 35 Ill. Adm. Code 304.105, 35 Ill. Adm. Code 304.125, and 35 Ill. Adm. Code 306.102 of the Board's rules and regulations.

Hearing on this matter was held on May 18, 1990 in Ottawa, Illinois. At the hearing, the parties submitted a Stipulation and Proposal for Settlement executed by the parties. PQ does not admit the alleged violations. PQ agrees to pay a civil penalty of seven thousand five hundred dollars (\$7,500.00).

The Board has authority to impose a penalty where the parties have stipulated to a penalty, but not to a finding of violation. See, Chemetco, Inc. v. Illinois Pollution Control Board, 140 Ill. App.3d 283, 488 N.E.2d 639, 643 (5th Dist. 1986); and Archer Daniels Midland v. Pollution Control Board, 140 Ill. App.3d 823, 489 N.E.2d 887 (3rd Dist. 1986).

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 regulations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1.) Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and PQ Corporation concerning PQ's operations located at Oak and Grove Streets, Utica, Illinois. The Stipulation and Proposal for Settlement are incorporated by reference as though fully set forth herein.
  
- 2.) PQ Corporation shall pay the sum of seven thousand five hundred dollars (\$7,500.00) within 30 days of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, and 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, Illinois 62794-9276

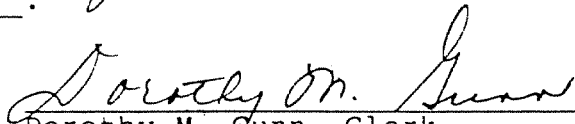
PQ shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 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 7th day of June, 1990, by a vote of 6-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board