

ILLINOIS POLLUTION CONTROL BOARD
June 21, 1990

PEOPLE OF THE STATE OF ILLINOIS)
)
) Complainant,
)
) v.
) PCB 89-200
) (Enforcement)
EKCO GLACO CORPORATION,)
a Delaware Corporation,)
)
) Respondent.

MS. RENEE CIPRIANO, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE PEOPLE.

MR. MARK LATHAM OF GARDNER, CARTON & DOUGLAS APPEARED FOR THE RESPONDENT.

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

This matter comes before the Board upon a complaint filed on December 7, 1989 on behalf of the People of the State of Illinois ("People") by and through their attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against EKCO GLACO Corporation, a Delaware Corporation, ("Ekco Glaco") located in Chicago, Illinois. Count I of the complaint alleges that from on and before February 16, 1987, to August 30, 1988, Ekco Glaco operated without an Illinois Environmental Protection Agency ("Agency") permit which resulted in violations of Section 9(b) of the Environmental Protection Act ("Act") (Ill. Rev. Stat. 1989, ch. 111½, par. 1009(a)) and 35 Ill. Adm. Code 201.144. Count II of the complaint alleges that from on and before the operative dates above Ekco Glaco operated without an Agency air pollution permit which resulted in violations of Section 9(a) of the Act and, in particular, 35 Ill. Adm. Code 201.141 and 215.204 (j)(1).

Hearing on this matter was held on May 3, 1990 in Chicago. At the hearing, the parties submitted a Stipulation and Proposal for Settlement executed by the parties. Ekco Glaco admits the alleged violations. Ekco Glaco agrees to pay a civil penalty of seven thousand and five hundred (\$7,500.00) dollars.

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 Ekco Glaco concerning operations located at Cicero Avenue in Chicago, Illinois. The Stipulation and Proposal for Settlement are incorporated by reference as though fully set forth herein.

- 2.) Ekco Glaco shall pay the sum of seven thousand and five hundred (\$7,500.00) dollars 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


Ekco Glaco 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. 1989, 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 21st day of June, 1990, by a vote of 6-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board