

ILLINOIS POLLUTION CONTROL BOARD
May 16, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-211
)	(Enforcement - Air)
)	
CLASSIC MOLD COMPANY, INC., an)	
Illinois corporation, and LARRY)	
CALDRONE,)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board on a one-count complaint filed April 4, 1996, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Classic Mold Company (Classic Mold), Inc., an Illinois corporation and Larry Caldron (Caldron), located at 3800 Wesley Terrace, Schiller Park, Cook County, Illinois. The complaint alleges that Classic Mold and Caldron have violated Sections 9(a) and 9.1(d) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/9(a), 5/9.1(d) (1994)) and 35 Ill. Adm. Code 201.141 by causing or allowing the discharge or emission of asbestos into the environment, failing to provide proper notification prior to asbestos demolition, violation of asbestos control procedures, and the improper disposal of asbestos-containing materials.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on April 4, 1996. The Board published a notice of the waiver on April 10, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on April 4, 1996. The Stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Classic Mold and Caldron admit the alleged violations and agree to pay a civil penalty of ten thousand dollars (\$10,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondents' 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, Classic Mold and Caldron. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Classic Mold and Caldron shall pay the sum of ten thousand dollars (\$10,000.00) 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

The certified check or money order shall clearly indicate on its face Classic Mold and Caldron's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

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) Classic Mold and Caldron shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions 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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board