

ILLINOIS POLLUTION CONTROL BOARD

January 9, 1997

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 96-235
	)	(Enforcement - Air and Land)
MEDALIST, INC., a Delaware	)	
corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by M. McFawn):

This matter comes before the Board upon a five-count complaint filed May 17, 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 Medalist, Inc. (Medalist), a Delaware corporation, located at 2700 York Road, Elk Grove Village, DuPage County, Illinois. The complaint alleges Medalist violated Sections 9(a) and (b) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) (1994)), and 35 Ill. Adm. Code 201.143, 201.144, 808.121 and 808.122, by constructing and operating an emission source without the proper permits, failing to make a special waste determination and improper disposing of special waste.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on October 11, 1996. The Board published a notice of the waiver on October 24, 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 October 11, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Medalist neither admits nor denies the alleged violations and agrees to pay a civil penalty of eight thousand dollars (\$8,000.00).

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) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Medalist, Inc. ( Medalist), a Delaware corporation, located at 2700 York Road, Elk Grove Village, DuPage County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Medalist, shall pay the sum of eight thousand dollars (\$8,000.00) 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, Medalist's Federal Employer Identification Number 36-1258310 and that payment is directed to the Environmental Protection Trust Fund.

- 3) Medalist 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 to the Illinois Appellate Court 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 \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board