

ILLINOIS POLLUTION CONTROL BOARD  
September 4, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 97-127  
) (Enforcement - EPCRA)  
PETTIBONE CORPORATION, an Illinois )  
corporation, )  
)  
Respondent. )

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

This matter comes before the Board upon a one-count complaint filed January 28, 1997, 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 Pettibone Corporation (Pettibone), an Illinois corporation located at 350 East Kehoe Boulevard, Carol Stream, DuPage County, Illinois. The complaint alleges that Pettibone violated Section 25-2(a) of the Environmental Protection Act (Act) (415 ILCS 5/25-2(a) (1996)) by failing to timely submit a toxic chemical release form.

On July 18, 1997, the parties filed a stipulation and settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the waiver of hearing on July 21, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and settlement agreement sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Pettibone admits the alleged violations and agrees to pay a civil penalty of \$8,700.

The Board finds the stipulation and settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects Pettibone'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 Pettibone Corporation (Pettibone), an Illinois corporation located at 350 East Kehoe Boulevard, Carol Stream, DuPage County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Pettibone shall pay the sum of \$8,700 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  
1021 N. Grand Avenue East  
Springfield, IL 62702

The certified check or money order shall clearly indicate on it Pettibone's federal employer identification number 36-4143051 and that payment is directed to the Environmental Protection Trust Fund.

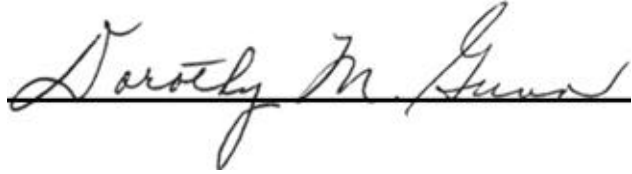
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3. Pettibone shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; 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 4<sup>th</sup> day of September 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board