

ILLINOIS POLLUTION CONTROL BOARD  
June 19, 1997

|                                  |   |                             |
|----------------------------------|---|-----------------------------|
| PEOPLE OF THE STATE OF ILLINOIS, | ) |                             |
|                                  | ) |                             |
| Complainant,                     | ) |                             |
|                                  | ) |                             |
| v.                               | ) | PCB 96-220                  |
|                                  | ) | (Enforcement - RCRA, Water) |
| ALLIEDSIGNAL, INC.               | ) |                             |
| a Delaware corporation,          | ) |                             |
|                                  | ) |                             |
| Respondent.                      | ) |                             |

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a six-count complaint filed April 24, 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 AlliedSignal, Inc. (AlliedSignal), a Delaware corporation regarding its facility located at 2951 J. David Jones Parkway, Springfield, Sangamon County, Illinois. The complaint alleges AlliedSignal violated Sections 12(a), 21(f), and 21(f)(2) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/12(a), 21(f), and 21(f)(2) (1996)); 35 Ill. Adm. Code 725.131, 725.293(a), 725.294(c), 725.296(c), (d)(3) and (e), 725.291 and 725.292(g), by causing or allowing water pollution, by the improper storage of hazardous waste, by the failure to minimize the risk of release, by the failure to provide secondary containment, by the failure to properly respond to the leak, and by the failure to maintain proper records and reports.

On May 8, 1997, the parties filed a stipulation, 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 on May 22, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. AlliedSignal neither admits nor denies the alleged violations and agrees to pay a civil penalty of thirty-five thousand dollars (\$35,000.00) and perform a pollution prevention project.

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 AlliedSignal, Inc. (AlliedSignal), a Delaware corporation regarding its facility located at 2951 J. David Jones Parkway, Springfield, Sangamon County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) AlliedSignal shall pay the sum of thirty-five thousand dollars (\$35,000.00) 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 the AlliedSignal's Federal Employer Identification Number and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

Amy Symons-Jackson  
Environmental Bureau  
Attorney General's Office  
500 South Second Street  
Springfield, IL 62706

- 3) In the event AlliedSignal fails to comply with any material as required in the incorporated settlement agreement, AlliedSignal shall pay in liquidated penalties the sum of five hundred dollars (\$500) per day of noncompliance, until such time as the requirements are complied with. Such penalty payment is to be paid to the Environmental Protection Trust Fund in the manner provided above.
- 4) AlliedSignal shall within thirty (30) days of this final order, submit a schedule for performance of the pollution prevention project listed as exhibit A in the incorporated settlement agreement. In no event shall the commencement of the pollution prevention project be delayed more than one hundred and eighty (180) days from the date of this final order.

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.

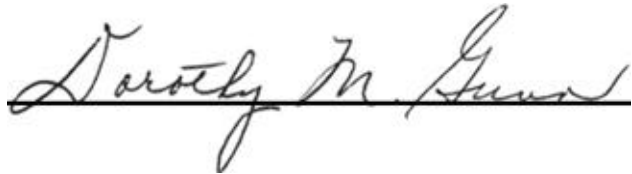
- 5) AlliedSignal shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member Kathleen M. Hennessey abstained.

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 the date of service of this opinion and 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 19th day of June 1997, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board