

ILLINOIS POLLUTION CONTROL BOARD
October 25, 1990

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 90-93
) (Enforcement)
)
ITW MAGNAFLUX, a division)
of ILLINOIS TOOL WORKS, INC.)
a Delaware Corporation,)
)
Respondent.)

PAMELA CIARROCCHI APPEARED FOR THE COMPLAINANT.

KATHERINE CLARK APPEARED FOR THE RESPONDENT.

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

This matter comes before the Board upon a complaint filed May 3, 1990, on behalf of the People of the State of Illinois ("People"), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against ITW Magnaflux, a division of Illinois Tool Works ("Magnaflux"), located in Harwood Heights, Cook County, Illinois. The complaint alleges that Magnaflux has violated Section 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq., and 35 Ill. Adm. Code 201.143 of the Board's rules and regulations.

Hearing on this matter was held June 25, 1990, in Chicago, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement which was unexecuted by the parties. The executed Stipulation was submitted on September 6, 1990. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Magnaflux admits to past violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.143 and agrees to pay a civil penalty of three thousand dollars (\$3,000). Magnaflux further agrees to cease and desist from the alleged violations.

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 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 and ITW Magnaflux, a division of Illinois Tool Works concerning Magnaflux's operations located in Harwood Heights, Cook County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Magnaflux shall pay the sum of three thousand dollars (\$3,000) 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

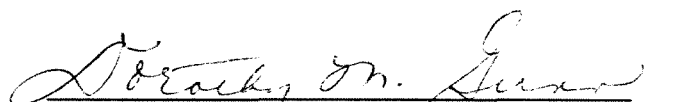
Magnaflux shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, 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 Members J. Dumelle and 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 25th day of October, 1990, by a vote of 5-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board