

ILLINOIS POLLUTION CONTROL BOARD

April 4, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-168
)	(Enforcement – Land)
OLD WORLD INDUSTRIES, INC., an Illinois)	
corporation, and SPECIALTY SEALANT)	
TAPES, INC.,)	
)	
Respondents.)	

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

On March 26, 1997, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Old World Industries, Inc. and Specialty Sealant Tapes, Inc. (respondents). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People seek to recover costs incurred by the Illinois Environmental Protection Agency (Agency) for removal of hazardous waste and other remedial action pursuant to Section 22.2 of the Environmental Protection Act (Act). The complaint concerns respondents' facility that manufactured cements, tapes, and adhesives located at 7800 Woodlawn, Chicago, Cook County.

On February 1, 2002, the People and respondent Old World Industries, Inc. (Old World) filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The newspaper notice was published in the *Sun-Times* on February 6, 2002. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Old World's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and Old World have satisfied Section 103.302. Old World denies the allegations in the complaint, but agrees to pay a civil penalty of \$65,000. The Board accepts the stipulation and proposed settlement between the People and Old World.

On March 26, 2002, the People filed a motion to voluntarily dismiss respondent Specialty Sealant Tapes, Inc. (Specialty Sealant) in this matter. This motion is granted. Since this action is now resolved as to all parties, the docket is closed.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

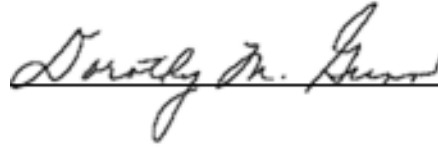
1. The Board accepts and incorporates by reference the stipulation and proposed settlement between complainant and Old World Industries, Inc. (Old World).
2. Old World must pay a civil penalty of \$65,000 no later than May 4, 2002, which is the 30th day after the date of this order. Old World must pay the civil penalty by certified check or money order, payable to the Hazardous Waste Fund. The case number, case name, and Old World's social security number or federal employer identification number must be included on the certified check or money order.
3. Old World must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Old World must cease and desist from the alleged violations.
6. Specialty Sealant Tapes is dismissed from this action on complainant's March 26, 2002 motion.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 4, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board