## ILLINOIS POLLUTION CONTROL BOARD February 19, 1998

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	,	B 98-100
COLOR COMMUNICATIONS, INC. an	) (En )	forcement - EPCRA)
Illinois corporation,  Respondent.	) )	
respondent.	)	

## OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a one-count complaint filed January 20, 1998, by the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois, against Color Communications, Inc. (Color Communications), an Illinois corporation, located at 4242 West Fillmore, Chicago, Cook County, Illinois. The complaint alleges that Color Communication 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 January 20, 1998, 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 January 23, 1998. 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. Color Communications admits the alleged violation and agrees to pay a civil penalty of \$34,800.

The Board finds the stipulation and settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects Color Communications' 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 Color Communications, Inc. (Color Communications), an Illinois corporation, located at 4242 West Fillmore, Chicago, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
- 2. Color Communications total sum of \$34,800 concluding no later than August 18, 1998. Payment shall be made pursuant to the following schedule:
  - a. \$7,500 within thirty (30) days from the date of this final Board order approving the parties' stipulation and proposal for settlement; and
  - b. Thereafter a payment of \$5,460 shall be due every thirty (30) days after the due date of the previous payment.

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 Permit and Inspection Fund and shall be sent by first class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 N. Grand Avenue East Springfield, Illinois 62702

The certified check or money order shall clearly indicate on it Color Communications' federal employer identification number 36-2741846 and that payment is directed to the Environmental Protection Permit and Inspection 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. Color Communications 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 19th day of February 1998, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board