

ILLINOIS POLLUTION CONTROL BOARD
June 4, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-123
) (Enforcement - Water)
GILSTER MARY LEE CORPORATION, a)
Missouri corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

This matter comes before the Board upon a three-count complaint filed on March 27, 1998, by the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois, against Gilster Mary Lee Corporation (respondent), a Missouri corporation, located at 111 Industrial Court Drive, Chester, Randolph County, Illinois. The complaint alleges that respondent violated Sections 12(a), 12(b), 12(c), and 12(h) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(b), 12(c), 12(h) (1996)), 35 Ill. Adm. Code 309.202(a), 309.203(a), and 307.1101(a)(1), (a)(2), (b)(7), and (b)(10) by causing or allowing effluent discharge which caused water pollution, by constructing and operating a wastewater without a permit, and by interfering with the operation and performance of the City of Chester sewage treatment plant.

On May 1, 1998, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the hearing requirement pursuant to Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the request for waiver on May 7, 1998. The Board did not receive any objections to the granting of the waiver. 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. Respondent admits the alleged violations, and agrees to pay a total civil penalty of \$20,000.

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.

This opinion constitutes the Board's finding 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 Gilster Mary Lee Corporation, a Missouri corporation, located at 111 Industrial Court Drive, Chester, Randolph County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) Respondent shall pay the sum of \$20,000 within 30 days of the date of this order, on or before July 4, 1998.¹ Such payment shall be made by certified check payable to the Treasurer of the State of Illinois, for deposit into the Illinois 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
P.O. Box 19276
Springfield, Illinois 62794-9276

The certified check shall clearly indicate on its face respondent's federal employer identification number, and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and check shall be simultaneously submitted to:

Attorney General's Office
Environmental Bureau
500 South Second Street
Springfield, IL 62794

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 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) Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

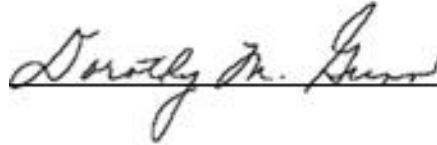
Board Member K.M. Hennessey abstained.

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 service of this

¹ Because July 4th is a Saturday, payment will be due on July 6, 1998, the next business day.

order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 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 4th day of June 1998 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board