

ILLINOIS POLLUTION CONTROL BOARD
December 1, 1994

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 93-261
)	(Enforcement)
MIDWEST REFINISHING, INC.,)	
an Illinois Corporation, and)	
KENNETH RUFF, individually)	
and as President of Midwest)	
Refinishing, Inc.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (By E. Dunham):

This matter comes before the Board upon a two-count complaint filed December 22, 1993, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Midwest Refinishing, Inc. (Midwest), an Illinois Corporation and Kenneth Ruff, individually and as President of Midwest. Midwest is located at 124-1/2 California Street, in the city of Sycamore, DeKalb County, Illinois.

The complaint alleges that Midwest and Kenneth Ruff have violated Section 21(f) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/21(f)(1992)), 35 Ill. Adm. Code 703.121(a) and (b), 703.151(a), 703.156, 725.11, 725.113(a), (b) and (c), 725.114(a), (b) and (c), 725.115(a), (b) and (d), 725.116(a), (b), (c), and (d), 725.117(a) and (b), 725.131, 725.132, 725.133, 725.137(a) and (b), 725.151(a), 725.152(a), (c), (e) and (f), 725.153(b), 725.173, 725.175, 725.176, 725.212(a), 725.242(a), 725.273(a) and 725.274 by conducting a hazardous waste storage operation without a RCRA permit and violating interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities at facilities at a facility located at Illinois Route 23 and Plank Road, DeKalb County, Illinois.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on October 13, 1994. The Board published a notice of the waiver of hearing on October 19, 1994; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement

on October 13, 1994. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Respondents admit the alleged violations and agrees to pay a civil penalty of twenty thousand dollars (\$20,000.00).

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 Midwest Refinishing, Inc., and Kenneth Ruff, concerning the facility located at Illinois Route 23 and Plank Road, DeKalb County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Midwest Refinishing, Inc., and Kenneth Ruff, shall pay the sum of twenty thousand dollars (\$20,000.00) according to the following schedule:
 - a) Within thirty days of the date of this order, Midwest Refinishing, Inc., and Kenneth Ruff, shall pay the amount of five thousand (\$5,000.00).
 - b) Within six months of this order and every six months thereafter Midwest Refinishing, Inc., and Kenneth Ruff, shall pay the amount of five thousand (\$5,000.00) until payment of said penalty is in full.

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 its face, Midwest Refinishing, Inc., and Kenneth Ruff's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

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), 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.

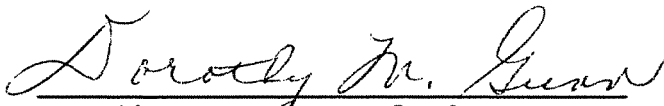
- 3) Midwest Refinishing, Inc., and Kenneth Ruff shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion 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 1st day of December, 1994, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board