

ILLINOIS POLLUTION CONTROL BOARD  
August 13, 1992

PEOPLE OF THE STATE	)	
OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 90-161
	)	(Enforcement)
COLUMBIA QUARRY COMPANY,	)	
a Missouri corporation,	)	
	)	
Respondent.	)	

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

This matter comes before the Board upon a complaint filed August 15, 1990 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Roland W. Burris, Attorney General of the State of Illinois, against Columbia Quarry Company located in Columbia, St. Clair County, Illinois and in Valmeyer, Monroe County, Illinois. The complaint alleges that Columbia Quarry Company has violated Sections 9(a) and (b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1009(a) and (b) and 35 Ill. Adm. Code 212.322 and 212.322(a) of the Board's rules and regulations.

Pursuant to Ill. Rev. Stat., 1990 Supp., ch. 111 1/2, par. 1031(a)(1), a joint Motion requesting relief from the Act's hearing requirement was filed by the parties on June 11, 1992. Notice of the waiver was published by the Board on July 1, 1992; no objection to grant of the waiver was received. Waiver of hearing is granted by the Board via today's Opinion and Order.

A Stipulation and Settlement Agreement was filed by the parties on June 11, 1992. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Columbia Quarry Company "does not contest" violations of Sections 9 (a) and (b) of the Act. The Stipulation does not address violations 35 Ill. Adm. Code 212.322 and 212.322(a). Columbia Quarry Company agrees to pay a civil penalty of Five Thousand Dollars (\$5,000.00).

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 Columbia Quarry Company, concerning violations of Sections 9(a) and (b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1009(a) and (b), and 35 Ill. Adm. Code 212.322 and 212.322(a) by Columbia Quarry Company's, operations located in Columbia, St. Clair County, Illinois and in Valmeyer, Monroe County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Columbia Quarry Company, shall pay the sum of Five Thousand Dollars (\$5,000.00) 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

Columbia Quarry Company, shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

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, (Ill. Rev. Stat. 1989, ch. 120, par. 10-1003), 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.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111½, 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. (But see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration, and Castenada v. Illinois Human Rights Commission (1989), 132 Ill.2d 304, 547 N.E.2d 437.)

IT IS SO ORDERED.

0135-0266

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 15<sup>th</sup> day of August, 1992, by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board