

ILLINOIS POLLUTION CONTROL BOARD
April 9, 1992

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 89-275
) (IEPA No. 10045-AC)
QUANTUM CHEMICAL CORPORATION,) (Administrative Citation)
)
Respondent.)
)

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

This matter comes before the Board on a April 2, 1992, motion to amend administrative citation filed by the Illinois Environmental Protection Agency (Agency). In support of its motion the Agency states that after discussion and review of the evidence, the Agency believes that the alleged violation of Section 21(q)(6) should be deleted from the administrative citation. The Agency also requests that the civil penalty be amended from one thousand dollars (\$1,000.00) to five hundred dollars (\$500.00) to reflect the deletion of a violation. The Agency's motion is granted.

On January 9, 1992, the Board ordered the parties to set this matter for hearing and finish all hearings by April 9, 1992. The Board's order stated that failure to finish the hearings in the time period stated would subject the matter to dismissal for want of prosecution. Prior to that order, the parties had already set and cancelled four hearings. The parties set one more hearing in response to the Board's order but cancelled it and have not completed a hearing as directed. The Board hereby dismisses the petition for review for want of prosecution. Pursuant to Section 31.1(d)(1) of the Act, the Board will adopt a final order with the finding of violations and imposition of penalties.

On December 4, 1989, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Agency. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon the Quantum Chemical Corporation on December 4, 1989. The Agency alleges that on October 11, 1989, the Quantum Chemical Corporation, present operator of a facility located in the County of Douglas, violated

Sections 21(q)(1) and 21 (q)(6) of the Act.¹ The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

A petition for review was filed on January 5, 1990. The Board allowed the administrative citation to be amended to delete the alleged violation of 21(q)(6), leaving one violation with a corresponding reduction in civil penalty. The Board having dismissed the petition for review for want of prosecution, the Board finds that the Quantum Chemical Corporation has violated the provisions alleged in the amended Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is \$500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order the Quantum Chemical Corporation shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, IL. 62706.

2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

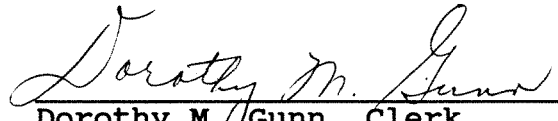
This docket is closed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1991, ch. 111 1/2, 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.

¹ Section 21 of the Act was amended by P.A. 87-752, effective January 1, 1992. As a result, the two subsections enforceable through the administrative citation process have been changed from 21(p) and 21(q) to 21(o) and 21(p) respectively.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 9th day of April, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board