

ILLINOIS POLLUTION CONTROL BOARD
September 9, 1993

PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 93-56
)	(Enforcement)
WORLD COLOR PRESS, INC.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board upon a complaint filed March 19, 1993 on behalf of the People of the State of Illinois, by and through its attorney, Roland W. Burris, Attorney General of the State of Illinois, against World Color Press, Inc. at its facility in Effingham County, Illinois. The complaint alleges that World Color Press has violated 35 Ill. Adm. Code 731.162(b) and 731.163(b) of the Board's rules and regulations.

On July 27, 1993, the parties filed a joint motion requesting relief from the Act's hearing requirement, pursuant to Section 31(a)(1). Notice of the request for waiver was published by the Board on August 7, 1993; no objection to grant of the waiver has been received. Waiver of hearing is granted by the Board via today's opinion and order.

World Color Press admits to past violations of 35 Ill. Adm. Code 731.162(b) and 731.163(b). World Color Press agrees to pay a civil penalty of ten thousand dollars (\$10,000.00) to the Environmental Protection Trust Fund.

The Board finds the stipulation and 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.

The Board notes that the People requested, in the March 19, 1993 complaint, that the Board award the People its costs, including expert witness, consultant, and attorney fees, incurred in the action. However, there is no mention of this request in the stipulation and settlement agreement. Section 42(f) of the Act allows the Board to award such costs and fees where a person has committed a "wilful, knowing or repeated violation of the Act." (415 ILCS 5/42(f) (1992).) The Board finds no evidence in this record that World Color Press committed a wilful, knowing, or repeated violation of the Act. We continue to urge the People to develop the record to support such a finding, especially where

(as here) the complaint originally requests the award of costs and fees.

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, the Illinois Environmental Protection Agency (Agency), and World Color Press, Inc., concerning World Color Press' operations located in Effingham County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
2. World Color Press, Inc. shall pay the sum of ten thousand dollars (\$10,000.00) 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

World Color Press, Inc. 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 (35 ILCS 5/1003 (1992)) as now or hereafter amended, from the date of 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.

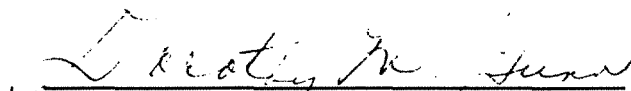
3. World Color Press shall perform the site remediation pursuant to the corrective action plan, as conditionally approved by the Agency.
4. World Color Press, Inc. shall cease and desist from further violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for the appeal of final Board orders. The

Rules of the Supreme Court of Illinois establish filing requirements. (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 9th day of September, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board