

ILLINOIS POLLUTION CONTROL BOARD
May 18, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-207
) (Enforcement - Air, Land)
INSPIRATION DEVELOPMENT)
COMPANY, a Delaware corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On April 7, 2000, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 9(a), 21, 21(d), 21(d)(1), and 21(d)(2) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 21, 21(d), 21(d)(1)(2) (1998)) and the Board's regulations found at 35 Ill. Adm. Code 201.141, 807.201, and 807.202(a) by conducting waste storage or disposal without an operating permit, conducting waste storage or disposal without a development permit, and causing or allowing air pollution. The complaint also alleges that respondent "is a person who, as owner of the site is liable pursuant to Section 22.2(F) of the Act (415 ILCS 5/22.2(F) (1998)) for all costs of removal incurred by the State of Illinois as a result of the release or threat of release of a hazardous substance at the site." Comp. at 16.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Gazette*, Jo Daviess County, on April 12, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent denies the alleged violations and agrees to reimburse the State \$22,531 for its oversight, assistance and guidance of the reclamation, regrading, and revegetation of the site. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

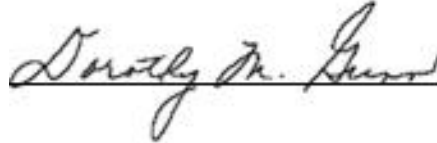
1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Inspiration Development Company, a Delaware corporation, regarding its facility located near Galena, Jo Daviess County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$22,531 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. The case number, case name, and respondent's federal employer identification number (52-1145429) shall be included on the check or money order. The check or money order also must clearly indicate that payment is directed to the Illinois Hazard Waste Fund.
3. The check (or money order) shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. 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 (1998)), 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.
5. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this 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 18th day of May 2000 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board