

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1990

PEOPLE OF THE STATE OF ILLINOIS)
)
 Complainant,)
)
 v.) PCB 90-17
) (Enforcement)
UNITED STATES DEPARTMENT OF THE NAVY,)
)
)
 Respondent.)

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

This matter comes before the Board upon a complaint filed on January 25, 1990, by the People of the State of Illinois (hereinafter "People") by their attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against the United States Department of the Navy (hereinafter "U.S. Navy"). The complaint alleges that the U.S. Navy's operation of its naval training center in Great Lakes, Lake County, Illinois resulted in violations of Section 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1009(b) and 35 Ill. Adm. Code 201.143 and 201.144 of the Board's rules and regulations.

Hearing on this matter was held on May 15, 1990 in Waukegan, Illinois. At the hearing, the parties submitted a Stipulation and Proposal for Settlement executed by the parties. The Stipulation sets forth a full stipulation of all material facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. The U.S. Navy neither admits nor denies violating Section 9(b) of the Act, 35 Ill. Adm. Code 201.143, or 35 Ill. Adm. Code 201.144. The U.S. Navy agrees to abide by all applicable provisions of the Act and Board Rules and Regulations and by all terms and conditions of the permit issued by the Illinois Environmental Protection Agency. The U.S. Navy further agrees to pay a civil penalty of one thousand two hundred fifty dollars (\$1,250.00).

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 air pollution control regulations.

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

ORDER

The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and the United States Department of the Navy concerning liquid storage tanks and a perchloroethylene dry cleaning facility. The Stipulation and Proposal for Settlement are incorporated by reference as though fully set forth herein. The U.S. Navy shall pay the sum of one thousand two hundred fifty dollars (\$1,250.00) within 30 days of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, and designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

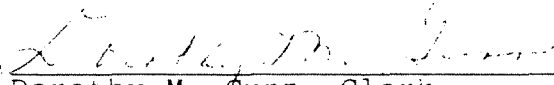
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, 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.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 27th day of May, 1990, by a vote of 6 / 1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board