

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1990

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 90-69
) (Enforcement)
MATERIAL SERVICE CORPORATION,)
a Delaware corporation,)
)
Respondent.)

APPEARANCE FOR COMPLAINANT BY JOSEPH ANNUNZIO, DEPUTY CHIEF,
ENVIRONMENTAL CONTROL DIVISION ATTORNEY GENERAL'S OFFICE.

APPEARANCE FOR RESPONDENT BY JEFFREY FRIEDMAN, GOULD & RATNER.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon a complaint filed April 20 1990 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against Material Service Corporation ("Material Service") located in Fairmont, Vermilion County, Illinois. The complaint alleges that Material Service has violated Sections 9(a) and (b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq., and 35 Ill. Adm. Code 201.143 of the Board's rules and regulations.

Hearing on this matter was held July 6, 1990 in Danville, Vermilion County, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Material Service admits to past violations of Section 9(a) and (b) of the Act and 35 Ill. Adm. Code 201.143 and agrees to pay a civil penalty of four thousand dollars (\$4,000). Material Service further agrees to cease and desist from the alleged violations.

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 Material Service Corporation, concerning Material Service's operations located in Fairmont, Vermilion County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Material Service shall pay the sum of four thousand dollars (\$4,000) 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

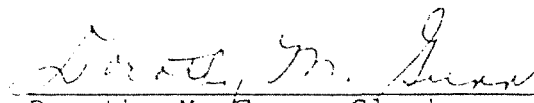
Material Service shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, 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 7th day of August, 1990, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board