

ILLINOIS POLLUTION CONTROL BOARD
September 19, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 97-113
) (RCRA Enforcement)
 HOMIN LEE d/b/a MEISEL PLATING)
)
 Respondent.)

ORDER OF THE BOARD (by R.C. Flegal):

On December 27, 1996, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Homin Lee d/b/a Meisel Plating (Homin Lee). *See* 415 ILCS 5/31.1(c) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 108.202(c). The People allege that Homin Lee violated Sections 21(f)(1) and (f)(2) of the Environmental Protection Act (Act) and 35 Ill. Adm. Code Sections 703.121(a), 722.111, 722.140(a) and (c), and 728.107(a) and (f). 415 ILCS 21(f)(1) and (f)(2) *amended by* P.A. 92-0574, eff. June 26, 2002. The People further allege that Homin Lee violated these provisions by failing to perform a hazardous waste determination, failing to get a resource conservation and recovery act permit, failing to keep copies of manifests and records of test results and waste analyses, and failing to keep on-site copies of documentation relating to the on-site or off-site treatment, storage or disposal of the hazardous waste. The complaint concerns Homin Lee's metal plating facility at 2037 West Division Street, Chicago, Cook County.

On August 7, 2002, the People and Homin Lee filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Chicago Sun-Times* on August 12, 2002. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Homin Lee's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and Homin Lee have satisfied Section 103.302. Homin Lee neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,500. The Board accepts the stipulation and proposed settlement.

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

ORDER

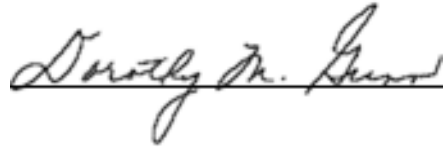
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Homin Lee must pay a civil penalty of \$5,500 no later than October 21, 2002. Homin Lee must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Homin Lee's social security number or federal employer identification number must be included on the certified check or money order.
3. Homin Lee must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Homin Lee must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 19, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board