

ILLINOIS POLLUTION CONTROL BOARD  
August 6, 1987

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
vs ) PCB 86-167  
 )  
THE STEEL COMPANY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Anderson):

The nine count complaint in this case alleges various violations of the Board's RCRA regulations. On July 21, 1987, the parties filed a proposed stipulation which was presented at a hearing held the same day. The proposed stipulation provides that the Company neither admits nor denies the violations, that the Company will make a stipulated payment of \$2500 into the Environmental Trust Fund and that the Company will undertake a seven point compliance program.

However, the stipulation contains no dates by which the Company will complete the various proposed compliance actions. Were the Board to adopt an Order accepting this stipulation, its provisions would be virtually unenforceable. Additionally, the Board notes that there is no admission of violation, and the stipulation appears to be written to preclude such findings by the Board. See also R.4. As the record does not support a finding of violation, the Board cannot issue an Interim Order triggering the public notice and comment procedures of 35 Ill Adm. Code Chapter 1, Subpart I: Decision In Cases Involving RCRA Permits, Section 103.260-103.268. However, the parties should refer to Section 103.264(b)(1)(D) "Stipulated Draft Remedy", which requires "a compliance plan, including a time schedule to assure compliance with regulations in the shortest possible time".

Within 45 days of the date of this Order, the parties are directed to file a revised stipulation which contains dates for accomplishment of the proposed compliance activities. If a revised stipulation is not timely filed, this action will be set for hearing on the merits.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6<sup>th</sup> day of August, 1987, by a vote of 6-0.

*Dorothy M. Gunn*

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board