

ILLINOIS POLLUTION CONTROL BOARD

October 7, 2010

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 11-12  
) (Enforcement - RCRA)  
ALTORFER, INC., an Iowa corporation, )  
)  
Respondent. )

ORDER OF THE BOARD (by G.T. Girard):

On September 20, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Altorfer, Inc. (Altorfer). The complaint concerns Altorfer's diesel-powered generator manufacturing and assembly facility located in Bartonville, Peoria County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Altorfer violated the following provisions in the manner described: (1) Section 21(f) of the Act (415ILCS 5/21(f) (2008)) by failing to comply with the requirements of Section 722.134(d) of the Board's waste disposal regulations (35 Ill. Adm. Code 722.134(d)); (2) Section 21(i) of the Act (415 ILCS 5/21(i) (2008)) by engaging in an act that produced hazardous waste, in violation of the regulations adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act (415 ILCS 5/22.4(a), (c) (2008)); (3) Sections 703.121(a) and (b) of the Board's waste disposal regulations (35 Ill. Adm. Code 703.121(a), (b)) by storing hazardous waste in containers without a Resource Conservation and Recovery Act (RCRA) permit; (4) Section 722.111 of the Board's waste disposal regulations (35 Ill. Adm. Code 722.111) by failing to conduct the required hazardous waste determination for still bottoms; (5) Section 21(e) of the Act (415 ILCS 5/21(e) (2008)) by sending still bottoms to a facility that is not permitted to accept hazardous waste; (6) Section 722.112(c) of the Board's waste disposal regulations (35 Ill. Adm. Code 722.112(c)) by sending still bottoms to a facility without a United States Environmental Protection Agency (USEPA) identification number; (7) Section 722.120(a) of the Board's waste disposal regulations (35 Ill. Adm. Code 722.120(a)) by failing to prepare a manifest before offering still bottoms for transport; and (8) Section 722.123(a) of the Board's waste disposal regulations (35 Ill. Adm. Code 722.123(a)) by failing to follow the procedures for manifests when transporting still bottoms. The Board finds that the

complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On September 20, 2010, simultaneously with the People's complaint, the People and Altorfer 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Altorfer does not admit the alleged violations but agrees to pay a civil penalty of \$25,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 7, 2010, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board