

ILLINOIS POLLUTION CONTROL BOARD
July 12, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-211
)	(Enforcement – RCRA)
TOYAL AMERICA, Inc., a Delaware)	
corporation f/k/a ALCAN-TOYAL)	
AMERICA, INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On May 31, 2000, the People of the State of Illinois (People) filed a seven-count complaint against respondent, Toyal America, Inc. (Toyal). The People alleged Toyal operated an aluminum products manufacturing facility at 17401 South Broadway, Lockport, Will County, Illinois, in violation of the Environmental Protection Act (Act) and Board's regulations. On June 21, 2001, the parties filed a stipulation and proposal for partial settlement for counts III, IV, V, VI, and VII of the People's complaint, and a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)).

The People alleged in counts III through VII of the complaint that Toyal stored hazardous waste at the Lockport facility for over 90 days without a Resource Conservation and Recovery Act (RCRA) permit, and maintained inadequate aisle space at the facility. The People further alleged that Toyal failed to amend its contingency plan when the emergency coordinator was no longer with the company, meet secondary confinement requirements for containers of hazardous waste, and document any inspections that Toyal performed at the facility. The People alleged that this activity violated Sections 21(f)(1) and 21(f)(2) of the Act (415 ILCS 5/21(f)(1), 5/21(f)(2) (2000)); and Sections 703.121, 725.135, 725.154(d), 725.293(e)(2)(D), and 725.295(c) of the Board's regulations (35 Ill. Adm. Code 703.121, 725.135, 725.154(d), 725.293(e)(2)(D), 725.295(c)).

Respondent admits the alleged violations in the counts III, IV, V, VI, and VII of the complaint and proposes to pay a \$31,500 penalty. The People and Toyal allege in their joint stipulation and proposed settlement that, "[s]ince the time of the alleged violations, Toyal has come into compliance with the pertinent sections of the Act and Board regulations." Stip. at 7.¹

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing

¹ The People and Toyal filed a stipulation and proposal for partial settlement on June 21, 2001, that is referred to as "Stip. at ____."

requirement. 415 ILCS 5/31(c)(2) (2000). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

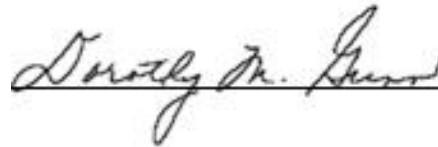
Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

The Board notes that the stipulation and proposal for partial settlement only pertains to counts III through VII of the complaint. Counts I and II, concerning air pollution violations under the Act and Board regulations, are still before the Board for future consideration.

IT IS SO ORDERED.

Board Member T.E. Johnson abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 12th day of July 2001 by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board