

ILLINOIS POLLUTION CONTROL BOARD
February 3, 2000

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|----------------------------------|---|----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 98-37 |
| |) | (Enforcement - RCRA) |
| AMERICAN WASTE PROCESSING, LTD., |) | |
| an Illinois corporation, |) | |
| |) | |
| Respondent. |) | |

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

On December 29, 1999, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 12(a), 12(d), and 21(f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), 21(f)(2) (1998)) and 35 Ill. Adm. Code 703.154(b), 725.191(a), 725.193(d)(4), 725.212(c)(4), 725.213, 725.215, 725.242(a)(1), (a)(2), (a)(3), and (a)(4), 725.242(b) and (c), 725.243(a)(2) and (a)(3)(b), 725.244, 725.245(a)(2), 725.247(a) and (b), and 725.297(c), by violating the interim status standards for owners and operators of hazardous waste management facilities, violating the hazardous waste operations financial requirements, violating the hazardous waste operations closure and post-closure requirements, failing to properly implement a groundwater monitoring program, causing water pollution, and creating a water pollution hazard.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Chicago Sun-Times* on January 5, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent admits to certain allegations in the complaint and denies the remaining allegations. Respondent agrees to pay a civil penalty of \$60,000. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusion 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 American Waste Processing, Ltd., an Illinois corporation, concerning its facility located at 2010 West Madison, Maywood, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$60,000 pursuant to the following schedule:
 - a. \$16,680 within 30 days of this order; and
 - b. \$16,660 within 13 months of this order; and
 - c. \$16,660 within 25 months of this order; and
 - d. \$10,000 within 37 months of this order.

Such payments shall be made by certified check or money order payable to the Treasurer of the State of Illinois. The case number, case name, and respondent's federal employer identification number (36-3134625) shall be included on each check or money order. Each check or money order also must clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. Each check or money order shall be sent by first class mail to:

Illinois Environmental Protection Agency
 Fiscal Services Division
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

A copy of each payment transmittal and check or money order shall be simultaneously submitted to:

Bradley P. Halloran
 Assistant Attorney General
 Environmental Bureau
 Attorney General's Office
 100 West Randolph Street, 11th Floor
 Chicago, Illinois 60601

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the

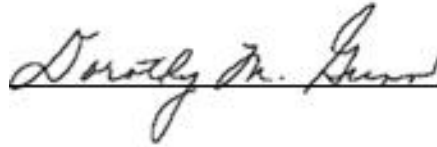
date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

5. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establish such filing requirements. See 172 Ill. 2d R. 335; see also Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 3rd day of February 2000 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board