

ILLINOIS POLLUTION CONTROL BOARD
July 8, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-55
) (Enforcement - RCRA)
PRECISION CHROME, INC.,)
)
Respondent.)

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

This case was commenced on September 16, 1996, by the filing of a complaint by the People of the State of Illinois. The complaint alleged that respondent Precision Chrome, Inc., violated Section 21(f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/21(f)(2) (1998)) and 35 Ill. Adm. Code 703.121(a), 722.111, 722.112, 722.120, 722.141(a), and 725.190(a) and (b), by failing to make waste determinations, offering for transport alleged hazardous waste without a United States Environmental Protection Agency identification number, failing to submit an annual report, failing to prepare manifests for off-site transport of hazardous waste, operating a hazardous waste surface impoundment without a permit, and operating a hazardous waste surface impoundment without implementing a groundwater monitoring program and installing a groundwater monitoring system.

On May 12, 1999, the parties filed a stipulation and proposal for settlement, along with an agreed motion requesting relief from the hearing requirement in accordance with Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)). Section 31(c)(2) provides:

Notwithstanding the provisions of subdivision (1) of his subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

The Board caused notice of the stipulation and proposal for settlement to be published on May 15, 1999, in the *News-Sun*, a newspaper of general circulation in Lake County, Illinois. The Board did not receive any requests for a hearing. Accordingly the Board waives the hearing requirement.

The Board accepts the parties' stipulation and proposal for settlement. The stipulation and proposal for settlement sets forth the facts surrounding the allegations in the complaint. Respondent denies the alleged violations but agrees to pay a total civil penalty of \$21,000 and perform a pollution prevention project. Respondent also agrees to properly close two surface impoundments, conduct groundwater remediation, and meet certain conditions and modifications to establish a groundwater management zone. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations. The parties agree to engage in dispute resolution as set forth in the stipulation and settlement agreement. Although not every term of the settlement is set forth in the Board's order below, all terms of the settlement are incorporated into the order.

This opinion constitutes the Board's findings of fact and conclusions 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 Respondent, Precision Chrome, Inc., regarding alleged violations at located at 105 Precision Road, Fox Lake, Lake County, Illinois, and 4650-54 West 5th Avenue, Chicago, 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 \$21,000 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
Springfield, IL 62702

The certified check or money order shall clearly indicate on its face respondent's federal employer identification number (36-259-5817) and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

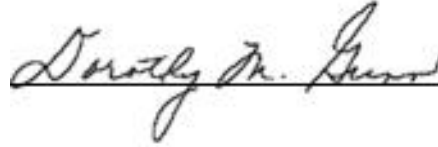
Zemeheret Bereket-Ab
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, IL 60601

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 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.

3. Respondent shall conduct the pollution prevention project provided at Section XI Paragraph A of the incorporated stipulation and settlement agreement. Within 180 days of the approval of this order, respondent shall submit the following:
 - a. Itemized cost of the pollution prevention project, documented by copies of purchase orders and receipts or canceled checks or other documentation or other reports; and
 - b. Certification that the pollution prevention project has been fully implemented pursuant to the provisions of the stipulation and settlement agreement, and any applicable provision of any permit issued by the Illinois Environmental Protection Agency for such pollution prevention project.
4. Respondent shall close the Cooling Water Pond and the Overflow Pond at this facility in accordance with the terms contained in Section XI Paragraph B of the incorporated stipulation and settlement agreement.
5. Respondent shall carry out the groundwater remediation in accordance the the terms contained in Section XI Paragraph C of the incorporated stipulation and settlement agreement.
6. Respondent shall satisfy the conditions and modifications set forth in Section XI Paragraph D of the incorporated stipulation and settlement agreement to establish a groundwater management zone.
7. Respondents shall cease and desist from the alleged violations.
8. The parties shall abide by the dispute resolution terms contained in Section XVI (also labeled Paragraph I in the incorporated stipulation and settlement.)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 8th day of July 1999 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