

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 1982

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 81-50  
 )  
UNITED STEEL DRUM, INC., an )  
Illinois Corporation, CLETUS R. )  
CARRON, individually and as )  
President of United Steel Drum, )  
Inc., and SOUTHWEST REGIONAL PORT )  
DISTRICT, a Municipal Corporation, )  
 )  
Respondent. )

MR. VINCENT R. MORETH, ASSISTANT ATTORNEY GENERAL, APPEARED  
ON BEHALF OF THE COMPLAINANT;  
MR. MICHAEL J. NESTER; DONOVAN, HATCH, AND CONSTANCE; APPEARED  
ON BEHALF OF THE RESPONDENTS.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

The Illinois Environmental Protection Agency (Agency) filed a complaint in this matter on April 7, 1981, alleging that the respondents violated Section 21 of the Environmental Protection Act (Act). A hearing was held on October 23, 1981 at which only the parties and a reporter appeared. A Stipulation and Proposal for Settlement was accepted as a joint exhibit and the parties agreed that it represented their desired resolution of this matter except as to paragraph 6A which remained unresolved (R. 3-4). Upon an October 23, 1981 Agency motion and a November 19, 1981 Board Order, Southwest Regional Port District was dismissed as a party respondent. A final Stipulation and Proposal for Settlement, which includes a modified paragraph 6A, was filed with the Board on December 24, 1981. Given the lack of public participation at hearing and the minor change in the final Stipulation from that presented at hearing, the Board finds that another hearing is unnecessary.

Respondent Cletus R. Carron is president of United Steel Drum, Inc., which is an Illinois Corporation which has conducted a drum reconditioning business in St. Clair County, Illinois, during the relevant time periods.

The complaint alleges: that from on or about March 30, 1979 up to the date of the filing of this complaint, including but not limited to the following dates, April 20, 1979, June 20, 1979,

August 16, 1979, October 29, 1979, and July 25, 1980, the Respondents United Steel Drum and Cletus R. Carron, caused approximately 12,000 drums containing an unknown amount of residue chemicals, paints, waste refuse, and spent barrel cleaning solution to accumulate and periodically leak out on and/or into the ground, or be dumped out onto the ground at the site.

Respondents admit that at various times mentioned in the complaint, residue chemicals were inadvertently discharged and/or accidentally spilled onto the ground at the site, but point out that no evidence of groundwater contamination has been shown.

Based upon this admission, the Board finds that Respondents have violated Section 21(b) of the Act, prior to January 1, 1980 and after January 1, 1981 (Ill. Rev. Stat., 1977, and 1979 Supp., ch. 111½, par. 1021(b)), Section 21(a) of the Act during 1980 (Ill. Rev. Stat., 1979 Ch. 111½, par. 1021(a), effective January 1, 1980), Section 21(f) of the Act prior to January 1, 1980 and after January 1, 1981 (Ill. Rev. Stat., 1977 and 1979 Supp., ch. 111½, par. 1021(f)), and Section 21(e) of the Act during 1980 (Ill. Rev. Stat., 1979, ch. 111½, par. 1021(e)).

The proposal for settlement in this matter consists of a penalty of \$1,000, a cease and desist order, and a compliance program which the Board finds to be adequate to abate the current problems and to assure that these do not recur. The Board further finds that the penalty is appropriate to aid in the enforcement of the Environmental Protection Act in that no environmental damage has been shown.

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of Section 33(c) of the Act.

The Board notes that the federal and state hazardous waste regulations are in a state of flux as the Resource Conservation and Recovery Act (RCRA) is in the process of being implemented. The Board cannot determine from the record whether all terms and conditions of the settlement in this matter are consistent with those regulations. However, the acceptance of this settlement by the Board shall not be construed to exempt the Respondents from any otherwise applicable State or Federal hazardous waste laws now in place or which will come into effect in the future.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

#### ORDER

1. Respondents United Steel Drum, Inc. and Cletus Carron have violated Section 21 (a,b,e and f) of the Act at the various times alleged.

2. Within 45 days of the date of this Order, Respondents shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000 which is to be sent to:


Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

3. Respondents shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed December 24, 1981, which is hereby incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

D. Anderson concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 21<sup>st</sup> day of January, 1982 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board