

ILLINOIS POLLUTION CONTROL BOARD
March 6, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 95-107
)	(Enforcement - Air)
AMERICAN STEEL CONTAINER)	
COMPANY, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

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

This matter comes before the Board upon a two-count complaint filed March 23, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against American Steel Container Company (American Steel), an Illinois corporation, located at 4445 West 5th Avenue, Chicago, Cook County, Illinois. The complaint alleges that American Steel violated Sections 9(a) and (b) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a), (b)) and 35 Ill. Adm. Code 201.141, 201.144 and 215.204(j) by causing or allowing the discharge or emission of a specified air contaminant and operating an emission source without the required permits.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on January 9, 1997. The Board published a notice of the waiver on January 15, 1997; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on January 9, 1997. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. American Steel neither admits nor denies the alleged violations and agrees to pay a civil penalty of thirty thousand dollars (\$30,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility 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 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 American Steel Container Company (American Steel), an Illinois corporation, located at 4445 West 5th Avenue, Chicago, Cook County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) American Steel shall pay a total sum of thirty thousand dollars (\$30,000.00) within one year of the date of this order. Payment shall be made pursuant to the following schedule:
 - a. \$7,500.00 within thirty (30) days from the date of this final Board order approving the parties' stipulation and proposal for settlement; and
 - b. \$7,500.00 every four (4) months thereafter until payment is made in full.

Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face American Steel's Federal Employer Identification Number 36-2979432 and that payment is directed to the Environmental Protection Trust Fund.

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), 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) American Steel shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of

service of this opinion and order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 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 ____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board