## ILLINOIS POLLUTION CONTROL BOARD January 22, 2004

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 02-1 (Enforcement - Air)
STEIN STEEL MILL SERVICES, INC.,	)	
	)	
Respondent.	)	

## OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On July 2, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Stein Steel Mill Services, Inc. (Stein Steel). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Stein Steel violated Section 9(a) and (b) of the Environmental Protection Act (415 ILCS 5/9(a) and (b) (2002)); 35 Ill. Adm. Code 201.141, 212.309(a), and 212.316(g)(4); and special condition 8(b) of operating permit 96090078. The People further allege that Stein Steel violated these provisions by causing or allowing air pollution and permit violations. The complaint concerns Stein Steel's slag crushing and screening facility at 2201 Edwardsville Road, Granite City, Madison County.

On December 2, 2003, the People and Stein Steel Mill Services filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Granite City Press Record Journal* on December 16, 2003. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Stein Steel's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and Stein Steel have satisfied Section 103.302. Stein Steel neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$15,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

## **ORDER**

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Stein Steel must pay a civil penalty of \$15,000 no later than February 21, 2004, which is the 30th day after the date of this order. Stein Steel must pay the civil penalty by certified check or money order, payable to Illinois Environmental Protection Trust Fund. The case number, case name, and Stein Steel's federal employer identification number (34-1320778) must be included on the certified check or money order.
- 3. Stein Steel must send the certified check or money order to:

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

A copy of the payment transmittal and check must be sent simultaneously to:

Office of the Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62706

4.

a. No later than February 21, 2004, which is the 30th day after the date of this order, the respondent must submit a comprehensive fugitive particulate control program which meets the requirements of 35 Ill. Adm. Code 212.309 and is consistent with the information submitted in the application for the CAAPP permit to the Agency by sending to:

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

and

Illinois Environmental Protection Agency c/o John Justice 2009 Mall Street Collinsville, IL 62234

- b. The Agency must, within thirty (30) days, review the program submitted by Stein Steel pursuant to subparagraph (a) and advise Stein Steel in writing whether the program is acceptable. If the program is deficient, the Agency must advise Stein Steel of the deficiency or deficiencies identified.
- c. If the Agency, pursuant to subparagraph (b), identifies any deficiencies in the fugitive particulate control program submitted pursuant to subparagraph (a), Stein Steel shall resubmit the program with the required corrections within thirty (30) days of the date of receipt of the Agency's notice of deficiency to the Agency at the addresses listed in subparagraph (a).
- d. Stein Steel must amend, as necessary, its fugitive particulate control program so that it is current as required by 35 Ill. Adm. Code 212.312.
- e. Stein Steel must keep written records and submit reports as required by 35 Ill. Adm. Code 212.316(g).
- 5. Stein Steel agrees to dismiss a permit appeal filed with the Board and docketed as PCB 02-211 no later than February 21, 2004, which is the 30th day after the date of this order. Stein Steel further agrees to waive the Board's decision deadline in PCB 02-211 until 90 days after the date of this order.
- 6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
- 5. Stein Steel must cease and desist from the alleged violations.

## IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 22, 2004, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board