ILLINOIS POLLUTION CONTROL BOARD July 20, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 06-151
)	(RCRA Enforcement)
BIG RIVER ZINC CORPORATION, a)	
Delaware corporation, and ALLIED WASTE)	
TRANSPORTATION, INC. d/b/a MIDWEST)	
WASTE, a Delaware corporation,)	
)	
Respondents.)	

ORDER OF THE BOARD (by G.T. Girard):

On March 28, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Big River Zinc Corporation (Big River Zinc) and Allied Waste Transportation, Inc.(Allied Waste) (collectively respondents). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Big River Zinc Corporation's zinc metal and co-product facility at 2401 Mississippi Avenue, Sauget, St. Clair County.

The People allege that respondents violated Section 21(a), (e), (f), and (g) of the Environmental Protection Act (Act) (415 ILCS 5/21(a), (e), (f), and (g) (2004)) and 35 Ill. Adm. Code 703.123, 722.111, 722.120(a), 722.122(c), 722.134(a)(2) and (a)(3), 725.153, 725.155, 725.274, 728.109(a), 739.122(d); 808.121(b), and 809.301. The People further allege that respondents violated these provisions by (1) violating used oil management standards; (2) failing to make hazardous waste determinations on waste materials; (3) engaging in open dumping of waste; (4) violating standards for accumulation of hazardous waste; (5) storing hazardous waste without a permit; (6) failing to submit a copy of an updated contingency plan to local police, fire, and emergency response teams that may be called on to provide emergency services; (7) failing to have an emergency coordinator familiar with all aspects of the facility contingency plan; (8) failing to inspect containers of hazardous waste inspected weekly; (9) failing to determine the hazardous waste number for waste sent for land disposal; (10) offering hazardous waste that did not have a hazardous waste number to a transfer facility; (11) failing to prepare a waste manifest for transfer of waste that was hazardous waste; (12) failing to send written notice to the transfer facility; and (13) accepting hazardous waste without a manifest.

On July 5, 2006, the People and respondent Big River Zinc 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed

stipulation, Big River Zinc neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$18,000.¹ Allied Waste is not a party to the stipulation.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 20, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board

¹ U.S. EPA assessed a penalty of \$3,271 in 2003 for Clean Air Act and Resource Conservation and Recovery Act violations.