ILLINOIS POLLUTION CONTROL BOARD April 19, 2007

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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 complaint against Big River Zinc Corporation (Big River Zinc) and Allied Waste Transportation, Inc. d/b/a Midwest Waste (Allied Waste). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Big River Zinc's zinc metal and co-product facility at 2401 Mississippi Avenue in Sauget, St. Clair County.

On August 17, 2006, the Board issued an opinion and order in this case, accepting a stipulation and proposed settlement between the People and Big River Zinc. Allied Waste was not a party to that settlement. On April 10, 2007, the People and Allied Waste filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (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). The complaint alleges that Allied Waste violated Section 21(g) of the Act (415 ILCS 5/21(g) (2004)) and 35 Ill. Adm. Code 723.120(a) and 809.301 by accepting waste from Big River Zinc without a compliant manifest and by conducting a hazardous waste transportation operation in violation of Board regulations. Under the proposed stipulation, Allied Waste does not admit the alleged violations and agrees to pay a civil penalty of \$4,500 and to perform a supplemental environmental project valued at \$16,800.

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. See 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 April 19, 2007, by a vote of 3-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board