ILLINOIS POLLUTION CONTROL BOARD June 16, 2011

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
Complainaila,)
V.)
P & H MFG. CO.,)
Respondent.)

PCB No. 11-92 (Enforcement – Hazardous Waste)

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

On June 3, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against P & H Mfg. Co. (P & H). The complaint concerns P & H's metal fabrication business at 604 South Lodge Street in Shelbyville, Shelby County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that P & H violated Section 21(f) of the Act (415 ILCS 5/21(f) (2010)) by allowing the storage of hazardous waste without a permit required by the Resource Conservation and Recovery Act. In addition, the People allege that P & H violated Sections 722.134(a) and 722.134(d) of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 722.134(a),(d)) by failing to label the contents of drums of hazardous waste and the waste's date of accumulation. Finally, the People also allege that P & H violated Sections 722.134(c) and 725.273(a) of the Board's Waste Disposal Regulations (35 Ill. Adm. Code 722.134(c) and 725.273(a)) by failing to keep its hazardous waste drums closed during storage, and by failing to label the drums as hazardous waste. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On June 3, 2011, simultaneously with the People's complaint, the People and P & H 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondent admits the alleged violations and agrees to pay a civil penalty of \$38,000.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 16, 2011 by a vote of 5-0.

In T. Thereaut

John Therriault, Assistant Clerk Illinois Pollution Control Board