ILLINOIS POLLUTION CONTROL BOARD September 8, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 12-43
•)	(Enforcement - RCRA)
FORBO ADHESIVES, LLC, a Delaware)	
limited liability company)	
)	
Respondent.)	

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

On August 31, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Forbo Andesives, LLC (Forbo Adhesives). The complaint concerns Forbo Adhesive's polyurethane manufacturing facility located at 6352 E. Collins Road in Morris, Grundy 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 Forbo Adhesives violated the following provisions in the manner described: 1) Sections 21(f)(1) and (2) of the Act (415 ILCS 5/21(f)(1) and (2) (2010)), and Sections 703.121(a) and (b) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 703.121(a) and (b)) by conducting a hazardous waste storage operation without a resource conservation and recovery act permit (count I); 2) Section 21 (f)(2) of the Act (415 ILCS 5/21(f)(2) (2010)), and Section 722.134(b) of the Board Waste Disposal Regulations (35 III. Adm. Code 722.134(b) by failing to comply with hazardous waste accumulation limitations (count II); 3) Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2010)), and Sections 725.113(b). 725.114(c) and 725.115(b) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 725.113(b), 725.114(c) and 725.115(b)) by failing to comply with hazardous waste management requirements - general facility standards (count III); 4) Section 21 (f)(2) of the Act (415 ILCS 5/21 (f)(2) (2010)) and Sections 725.135 and 725.274 of the Board Waste Disposal Regulations (35 Ill. Adm. Code 725.135 and 725.274) by failure to comply with hazardous waste management requirements – preparedness, prevention, use and management of containers (count IV); 5) Section 21 (f)(2) of the Act (415 ILCS 5/21 (f)(2) (2010)) and Sections 725.152(d) and (f) and 725.153(b) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 725. 152(d) and (f) and 725.153(b)) by failure to comply with hazardous waste management requirements -

contingency plan and emergency procedures (count V); 6) Section 21 (f)(2) of the Act (415 ILCS 5/21 (f)(2) (2010)) and Sections 725.173 and 725.1 75 of the Board Waste Disposal Regulations (35 Ill. Adm. Code 725.173 and 725.175) by failing to comply with hazardous waste management requirements - manifest system, recordkeeping and reporting (count VI); and 7) Section 21 (f)(2) of the Act (415 ILCS 5/21 (f)(2) (2010)) and Sections 725.212(a), 725.218(a), 725.242(a), and 725.244(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 725.212(a), 725.218(a), 725.218(a), 725.242(a), and 725.244(a)) by failing to comply with hazardous waste management requirements - closure and post-closure care (count VI). 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 August 31, 2011, simultaneously with the People's complaint, the People and Forbo Adhesives 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, Forbo Adhesives does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$44,403.

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 September 8, 2011, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board

John T. Therrian