ILLINOIS POLLUTION CONTROL BOARD February 16, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.) PCB 12-27	1\
INDUSTRIAL ENCLOSURE) (Enforcement - La	and)
CORPORATION, an Illinois corporation,)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On August 16, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Industrial Enclosure Corporation (Respondent). The complaint concerns Respondent's steel and aluminum box manufacturing facility located at 619 N. Loucks in Aurora, Kane County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

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 Respondent violated Sections 21(f)(1) and (2) of the Act (415 ILCS 5/21(f)(1) and 21(f)(2) (2010)) and Sections 703.121(a)(1), 722.120(a), 722.120(b), 722.140(b), 722.111(a) and (b), 808.121(a), and 808.121(b)(3) of the Board's rules (35 Ill. Adm. Code 703.121(a)(1), 722.120(a), 722.120(b), 722.140(b), 722.111(a), 722.111(b), 808.121(a), and 808.121(b)(3)). The People alleges that Respondent violated these provisions by conducting a hazardous waste management facility without a RCRA permit and by failing to comply with RCRA regulations adopted by this Board. More specifically, the People allege that as a generator under RCRA, Respondent failed to properly prepare a manifest for the hazardous waste; Respondent failed to properly designate one receiving facility on the manifest; Respondent failed to keep a copy of annual reports and exception reports for at least three years; and Respondent failed to properly categorize and label hazardous and special wastes.

On February 6, 2012, the People and Respondent 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, Respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$7,500.00 within thirty days from the date the Board adopts and accepts 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. *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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 16, 2012, by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board

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