ILLINOIS POLLUTION CONTROL BOARD April 18, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 13-52
)	(Enforcement - Air)
OIL TECHNOLOGY, INC., an Indiana)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. K. Zalewski):

On April 3, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Oil Technology, Inc. (respondent). The complaint concerns respondent's used oil recycling facility located at Route 203, Granite City, Madison County, and commonly known as U.S. Steel's Granite City facility. 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 respondent violated Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2010)) and Condition 9.8 of CAAPP Permit No. 01080007 by failing to submit the annual compliance certification for the 2011 calendar year in a timely manner. 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 April 3, 2013, simultaneously with the People's complaint, the People and respondent filed a Stipulation and Proposed Settlement (Stip.), 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 III. Adm. Code 103.300(a). Under the proposed stipulation, the respondent admits the alleged violations and agrees to pay a civil penalty of \$3,000. The settlement of this matter also includes a supplemental environmental project (SEP), that respondent will provide \$4,500 to the Illinois Clean Diesel Grant Program, which is administered by the Illinois Green Fleets Program to purchase a direct-fired heater for a school bus engine. Stip. at 6. The settlement states that the value of the SEP will offset penalties sought by the People and the Illinois Environmental Protection Agency in

this matter. In the event that the SEP cannot be completed, the respondent shall pay the settlement value of the SEP, \$4,500 as an additional penalty no later than May 1, 2013. *Id.* at 8.

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 April 18, 2013, by a vote of 5-0.

In T. Therian

John T. Therriault, Assistant Clerk Illinois Pollution Control Board