

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 18-
)	(Enforcement)
ENGINEERED PLASTIC COMPONENTS,)	
INC., an Iowa corporation,)	
)	
Respondent.)	

NOTICE OF FILING

SEE ATTACHED CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board the Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, of the People of the State of Illinois by LISA MADIGAN, Attorney General of the State of Illinois, a copy of which is herewith served upon you.

s/Raymond Callery
 Raymond Callery
 Assistant Attorney General
 Environmental Bureau
 500 South Second Street
 Springfield, Illinois 62701
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Dated: January 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2018, via electronic mail, I served a true and correct copy of the Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirements to:

Engineered Plastic Components, Inc.
c/o Reza Kargarzadeh
rkargarz@epcmfg.com

Mark Schaul
mschaul@epcmfg.com

BY: s/Raymond Callery
Raymond Callery
Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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v.)	PCB No. _____
)	(Enforcement - Land)
ENGINEERED PLASTIC COMPONENTS,)	
INC., an Iowa corporation,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, hereby complains of Respondent, ENGINEERED PLASTIC COMPONENTS, INC., an Iowa corporation, as follows:

COUNT I:
CONDUCTING A HAZARDOUS WASTE STORAGE OPERATION WITHOUT A RESOURCE CONSERVATION AND RECOVERY ACT ("RCRA") PERMIT

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), pursuant to the terms and provisions of Section 31 of the Environmental Protection Act ("Act"), 415 ILCS 5/31 (2016), after providing Respondent with notice and the opportunity for a meeting with the Illinois EPA.

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2016), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. Respondent, Engineered Plastic Components, Inc. ("Respondent"), is an Iowa corporation that owned and, at all times relevant to this Complaint, operated a facility located at

300 Shellhouse Drive, Rantoul, Champaign County, Illinois (the "Facility"). Respondent is not presently registered as a foreign corporation with the Illinois Secretary of State.

4. Prior to the events described in this Complaint, Respondent manufactured injection molded plastic parts at the Facility. At the time of the events described in this Complaint, Respondent was in the process of shutting down the Facility. As of January 12, 2017, only two of Respondent's employees remained at the Facility.

5. On December 15, 2016, January 12, 2017, and April 13, 2017, the Illinois EPA conducted inspections of the Facility, including a waste storage room known as the Paint Room, and surrounding exterior areas.

6. On and around December 15, 2016, Respondent stored twelve empty drums in an outside area on the east side of the plant building at the Facility. North of this area and still outside of the plant building, Respondent stored four plastic and eleven metal drums, some of which were labeled as non-hazardous waste. On December 15, 2016, employees of Respondent were unable to inform the Illinois EPA inspector what was contained in these plastic and metal drums.

7. On and around December 15, 2016, Respondent stored over 350 containers of various sizes in the Paint Room at the Facility. A number of these containers had been stored on-site since at least 2007, when the prior owner of the Facility, Collins & Aikman, ceased operations at the Facility due to bankruptcy. The containers in the Paint Room at the Facility are described further in the following paragraphs.

8. On and around December 15, 2016, Respondent stored at least ten drums labeled with hazardous waste stickers in the Paint Room at the Facility. None of these drums were marked to indicate their dates of accumulation.

9. On January 12, 2017, during a sampling event at the Facility, seven drums stored in the Paint Room at the Facility that were labeled with hazardous waste stickers were found to contain black, solvent-based paint. Samples taken from one of these drums exhibited a flash point of less than 70 degrees Fahrenheit.

10. Respondent never used solvent-based paints in the course of its operations at the Facility. The drums of black, solvent-based paint present in the Paint Room on January 12, 2017 were left over from when Collins & Aikman ceased operations at the Facility in 2007.

11. Also present in the Paint Room during the January 12, 2017 sampling event was another group of drums that were also marked as "hazardous waste." Three of the drums were found to contain a material that smelled like acetone and was mostly a low viscosity liquid with a gray color on the very bottom that was consistent with used solvent. A sample from one of these drums exhibited a flash point of less than 70 degrees Fahrenheit.

12. On and around December 15, 2016, Respondent also stored another 34 drums with material inside them in the Paint Room at the Facility. Most of these drums were not labeled, but a few had green, non-hazardous waste stickers applied. The drums contained recycled paint thinner generated from the Facility's operation of a paint minimizer that was in use at the Facility from at least 2014 until approximately April 2016. The paint minimizer was used to evaporate solvent from waste paint and recondense the evaporated material back into useable solvent while leaving behind the paint solids.

13. On and around December 15, 2016, Respondent also stored 308 smaller containers of material in the Paint Room at the Facility. The smaller containers ranged in size from one gallon to five gallons, with the majority being three gallons or five gallons in size. Most of these 308 containers were labeled as containing paint, but some were labeled as

containing solvent or parts cleaner. Some of the containers bore the label of the prior owner of the Facility, Collins & Aikman.

14. At some time between December 15, 2016 and January 12, 2017 better known to Respondent, two men came to the Facility in a semi-truck and loaded approximately 30 drums which contained recycled paint thinner onto the semi-truck. The men then transported the drums of material away from the Facility in the semi-truck. The men did not provide the Facility with a manifest or bill of lading for the drums of material. .

15. On January 13, 2017 and January 23, 2017, Respondent's President, Mr. Kargarzadeh, spoke with an Illinois EPA inspector regarding the drums of material that had been transported from the Facility. Mr. Kargarzadeh stated that the men who took the drums of material had planned to use the material in the drums as an accelerant to burn brush. Mr. Kargarzadeh further stated that, after he spoke with the Illinois EPA inspector on January 13, 2017, he directed the men to load the drums back onto a truck and return the drums to the Facility. Mr. Kargarzadeh further stated that he would include the returned drums as part of the materials to be removed from the Facility by the environmental contractor, Safety-Kleen Systems, Inc. ("Safety-Kleen"), as hazardous wastes.

16. On January 27, 2017, Safety-Kleen conducted a waste determination of all containerized waste present in the Paint Room. Sixty-one 55-gallon drums containing a reported 3,355 gallons of D-listed and F-listed hazardous waste were identified. Copies of Uniform Hazardous Waste Manifests provided to Illinois EPA indicate that Safety-Kleen transported all wastes to one or more off-site locations for bulking and subsequent disposal and/or treatment at permitted facilities.

17. The mass of the 3,355 gallons of D-listed and F-listed hazardous waste that had been present at the Facility exceeds 6,000 kilograms.

18. On April 13, 2017, Illinois EPA conducted a follow-up inspection at the Facility. On April 13, 2017, the Paint Room was empty of all the drums and small containers of paint and solvents. No containers were left in the Paint Room.

19. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), provides:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

20. Respondent is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

21. Section 721.102 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.102, provides, in pertinent part:

Definition of Solid Waste

(a) Solid waste.

(1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.

(2) A discarded material is any material that is described as follows:

(A) Abandoned, as explained in subsection (b) of this Section;

* * *

(b) A material is a solid waste if it is abandoned in one of the following ways:

(1) It is disposed of;

(2) It is burned or incinerated; or

(3) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

22. The drummed materials that were stored outside of plant building at the Facility meet the definition of “discarded material” set forth in Section 721.102(a)(2) and (b)(3) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.102(a)(2) and (b)(3), because they were accumulated and stored at the Facility in lieu of being abandoned by being disposed of, burned, or incinerated.

23. As discarded material, the drummed materials that were stored outside of plant building at the Facility are “solid waste,” as that term is defined in Section 721.102(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.102(a), as they are not excluded pursuant to Section 721.104(a), 35 Ill. Adm. Code 721.104(a), or Sections 721.130 and 721.131, 35 Ill. Adm. Code 721.130 and 721.131.

24. The drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility meet the definition of “discarded material” set forth in Section 721.102(a)(2) and (b)(3) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.102(a)(2) and (b)(3), because they were accumulated and stored at the Facility in lieu of being abandoned by being disposed of, burned, or incinerated.

25. As discarded material, the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility are “solid waste,” as that term is defined in Section 721.102(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.102(a), as they are not excluded pursuant to Section 721.104(a), 35 Ill. Adm. Code 721.104(a), or Sections 721.130 and 721.131, 35 Ill. Adm. Code 721.130 and 721.131.

26. Section 3.535 of the Act, 415 ILCS 5/3.535 (2016), provides:

“Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community

activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

27. As discarded material, the drummed materials that were stored outside of the plant building at the Facility are "waste," as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2016).

28. As discarded material, the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility are "waste," as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2016).

29. Section 3.220 of the Act, 415 ILCS 5/3.220 (2016), provides in pertinent part:

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580), or pursuant to Board regulations.

30. Section 721.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. 721.103, provides, in pertinent part, as follows:

Definition of Hazardous Waste

- (a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:
 - (1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and

- (2) It meets any of the following criteria:
 - (A) It exhibits any of the characteristics of hazardous waste identified in Subpart C of this Part...
 - (B) It is listed in Subpart D of this Part and has not been excluded from the lists in Subpart D of this Part under 35 Ill. Adm. Code 720.120 and 720.122.

* * *

- (D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D of this Part and has not been excluded from this subsection (a)(2) pursuant to 35 Ill. Adm. Code 720.120 and 720.122, subsection (g) of this Section, or subsection (h) of this Section;

* * *

31. The drummed materials that were stored in the Paint Room at the Facility and that exhibited a flash point of less than 70 degrees Fahrenheit are characteristically hazardous pursuant to Section 721.121 in Subpart C of Part 721 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 721.121. As such, these drummed materials are "hazardous wastes" as that term is defined in Section 3.220 of the Act, 415 ILCS 5/3.220 (2016), and in Section 721.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. 721.103.

32. The containerized waste that was stored in the Paint Room at the Facility and that Safety-Kleen determined to be a D-listed waste is characteristically hazardous pursuant to Section 721.121 in Subpart C of Part 721 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 721.121. As such, this containerized waste is a "hazardous waste" as that term is defined in Section 3.220 of the Act, 415 ILCS 5/3.220 (2016), and in Section 721.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. 721.103.

33. The containerized waste that was stored in the Paint Room at the Facility and that Safety-Kleen determined to be a F-listed waste is hazardous waste pursuant to Section 721.131

in Subpart D of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 721.131. As such, this containerized waste is a "hazardous waste" as that term is defined in Section 3.220 of the Act, 415 ILCS 5/3.220 (2016), and in Section 721.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. 721.103.

34. Section 21(f) of the Act, 415 ILCS 5/21(f) (2016), provides, in pertinent part, as follows:

No person shall:

* * *

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

- (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
- (2) in violation of any regulations or standards adopted by the Board under this Act; or

* * *

35. Section 3.480 of the Act, 415 ILCS 5/3.480 (2016), provides the following definition:

"Storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.

36. As a result of Respondent's operations at the Facility, Respondent was and is a "person" conducting a "hazardous waste-storage ... operation," within the meaning of Section 21(f) of the Act, 415 ILCS 5/21(f) (2016).

37. Section 722.110(g) of the Illinois Pollution Control Board's ("Board") Waste Disposal Regulations, 35 Ill. Adm. Code 722.110(g), provides as follows:

Purpose, Scope, and Applicability

* * *

- (g) A person that generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if that person does not comply with this Part.

* * *

38. Sections 703.121(a) and (b) of the Board Waste Disposal Regulations, 35 Ill.

Adm. Code 703.121(a) and (b), provide, in pertinent part, as follows:

- (a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

- (1) Without a RCRA permit for the HWM (hazardous waste management) facility;

* * *

- (b) An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit...

39. Section 702.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code

702.110, provides, in pertinent part, the following definitions:

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Hazardous waste" (RCRA) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Storage" (RCRA) means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the Act [415 ILCS 5/21(f)].

"Hazardous waste management facility" or "HWM facility" (RCRA) means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may

consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA... program.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit" includes RCRA permit by rule (35 Ill. Adm. Code 703.141), ...

40. As a result of Respondent's operations at the Facility, including the operation of the paint minimizer, Respondent was a "generator" of "hazardous waste," as those terms are defined in Section 702.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 702.110.

41. As a result of Respondent's operations at the Facility, Respondent was a "person" conducting a "hazardous waste storage" operation without a "RCRA permit" at a "hazardous waste management facility," as those terms are defined in Section 702.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 702.110.

42. On and around the date of December 15, 2016, and for periods of time prior to and after that date better known to Respondent, Respondent was the "owner or operator" of a "HWM" unit at the Facility, as those terms are defined in Section 702.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 702.110.

43. On and around the date of December 15, 2016, and for periods of time prior to and after that date better known to Respondent, Respondent could not store hazardous waste at the Facility without having a RCRA permit unless Respondent complied fully with an exemption provided in Section 722.134 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134. That Section provides, in pertinent part, as follows:

Accumulation Time

(a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

(1) The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:

(A) In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;

* * *

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and

(4) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with all applicable requirements in 35 Ill. Adm. Code 728.107 (a)(5).

* * *

(d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

(1) The quantity of waste accumulated on-site never exceeds 6,000 kilograms;

* * *

(4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, with Subpart C of 35 Ill. Adm. Code 725, and with all applicable requirements in 35 Ill. Adm. Code 268; and

44. On and around the date of December 15, 2016, and for periods of time prior to and after that date better known to Respondent, Respondent accumulated hazardous waste on-site in the Paint Room at the Facility for more than 90 days.

45 By accumulating hazardous waste on-site in the Paint Room at the Facility for

more than 90 days, Respondent failed to fulfill the conditions of Section 722.134(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a).

46. On and around the date of December 15, 2016, and for periods of time prior to and after that date better known to Respondent, Respondent accumulated hazardous waste on-site in the Paint Room at the Facility for more than 180 days.

47. By accumulating hazardous waste on-site in the Paint Room at the Facility for more than 180 days, Respondent failed to fulfill the conditions of Section 722.134(d) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(d).

48. On and around the date of December 15, 2016, and for periods of time prior to and after that date better known to Respondent, Respondent failed to mark containers in the Paint Room at the Facility with the date upon which each period of accumulation of hazardous waste began in such containers.

49. By failing to mark containers in the Paint Room at the Facility with the date upon which each period of accumulation of hazardous waste began, Respondent failed to fulfill the conditions of Sections 722.134(a)(2) and 722.134(d)(4) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a)(2) and 722.134(d)(4).

50. On and around the date of December 15, 2016, and for periods of time prior to and after that date better known to Respondent, the quantity of hazardous waste accumulated on-site by Respondent at the facility exceeded 6,000 kilograms.

51. By accumulating in excess of 6,000 kilograms of hazardous waste on-site at the Facility, Respondent failed to fulfill the conditions of Section 722.134(d)(1) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(d)(1).

52. Because Respondent failed to fulfill the conditions of Sections 722.134(a), 722.134(a)(2), 722.134(d), 722.134(d)(1) and 722.134(d)(4) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a), 722.134(a)(2), 722.134(d), 722.134(d)(1) and 722.134(d)(4), Respondent, as of December 15, 2016, or at an earlier time known better to Respondent, was unable to rely on the exemptions from the requirement to obtain a RCRA permit provided in 35 Ill. Adm. Code 722.134. Respondent therefore was required by Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2016), and Sections 703.121(a) and (b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a) and (b), to obtain a RCRA permit in order to conduct a hazardous waste storage operation at the Facility.

53. As of December 15, 2016, or at an earlier time known better to Respondent, and continuing through the filing of this Complaint, Respondent failed to obtain a RCRA permit for the Facility, in violation of Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2016), and Sections 703.121(a) and (b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a), (b).

54. By violating Sections 703.121(a) and (b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a) and (b), Respondent thereby also violated Section 21(f)(2) of the Act, 415 ILCS 21(f)(2) (2016).

55. Because Respondent failed to fulfill the conditions of Sections 722.134(a), 722.134(a)(2), 722.134(d), 722.134(d)(1) and 722.134(d)(4) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a), 722.134(a)(2), 722.134(d), 722.134(d)(1) and 722.134(d)(4), Respondent also is unable to rely on the exemption from the requirement to close the hazardous waste storage area at the Facility and provide financial assurance in compliance with Section 725, Subparts G and H, of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 725, Subparts G and H.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, ENGINEERED PLASTIC COMPONENTS, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated the Act and the Board Waste Disposal Regulations as alleged herein;

C. Ordering the Respondent to cease and desist from further violations of the Act and the Board Waste Disposal Regulations as alleged herein;

D. Ordering the Respondent to close the hazardous waste storage area at the Facility and provide financial assurance in compliance with of the Section 725, Subparts G and H of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 725, Subparts G and H;

E. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016), imposing upon Respondent a monetary penalty not to exceed twenty five thousand dollars (\$25,000) per day of violation for each violation of Section 21(f) of the Act, 415 ILCS 5/21(f) (2016), or of any filing requirement, regulation or order relating to the State RCRA program;

F. Awarding to Complainant its costs and reasonable attorney's fees; and

G. Granting such other relief as the Board may deem appropriate.

**COUNT II:
FAILURE TO CONDUCT HAZARDOUS WASTE DETERMINATIONS**

1-42. Complainant realleges and incorporates by reference herein paragraphs 1-42 of Count I as paragraphs 1 through 42 of this Count II.

43. As a result of Respondent's operations at the Facility, Respondent was and is a "person" that generates "solid waste," as those terms are defined in Sections 702.110 and 702.102, respectively, of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 702.110 and 702.102.

44. Section 722.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, provides as follows:

Hazardous Waste Determination

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must determine if that waste is a hazardous waste using the following method:

- (a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- (b) The person should then determine if the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721.

BOARD NOTE: Even if a waste is listed as a hazardous waste, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 to demonstrate that the waste from the generator's particular facility or operation is not a hazardous waste.

- (c) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, the generator must then determine whether the waste is identified in Subpart C of 35 Ill. Adm. Code 721 by either of the following methods:
 - (1) Testing the waste according to the methods set forth in Subpart C of 35 Ill. Adm. Code 721, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121; or
 - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.
- (d) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.

45. Beginning on a date better known to Respondent and continuing at least through December 15, 2016 (or until a later date better known to Respondent), Respondent failed to

conduct a hazardous waste determination on the drummed materials that were stored outside of the plant building at the Facility.

46. By failing to conduct a hazardous waste determination on the drummed materials that were stored outside of the plant building at the Facility, Respondent violated Section 722.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.111.

47. By failing to conduct a hazardous waste determination on the drummed materials that were stored outside of the plant building at the Facility, Respondent also violated Section 21(f)(2) of the Act, 415 ILCS 21(f)(2) (2016).

48. Beginning on a date better known to Respondent and continuing at least through December 15, 2016 (or until a later date better known to Respondent), Respondent failed to conduct a hazardous waste determination on the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility.

49. By failing to conduct a hazardous waste determination on the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility, Respondent violated Section 722.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.111.

50. By failing to conduct a hazardous waste determination on the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility, Respondent also violated Section 21(f)(2) of the Act, 415 ILCS 21(f)(2) (2016).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, ENGINEERED PLASTIC COMPONENTS, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated the Act and the Board Waste Disposal Regulations as alleged herein;

C. Ordering the Respondent to cease and desist from further violations of the Act and the Board Waste Disposal Regulations as alleged herein;

D. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016), imposing upon Respondent a monetary penalty not to exceed twenty five thousand dollars (\$25,000) per day of violation for each violation of Section 21(f) of the Act, 415 ILCS 5/21(f) (2016), or of any filing requirement, regulation or order relating to the State RCRA program;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

COUNT III:
FAILURE TO CONDUCT SPECIAL WASTE DETERMINATIONS

1-42. Complainant realleges and incorporates by reference herein paragraphs 1-42 of Count I as paragraphs 1 through 42 of this Count III.

43. As a result of Respondent's operations at the Facility with respect to the solvent reclamation machine and the spent filter cakes from the solvent reclamation machine, Respondent was and is a "person" who generates "waste," as those terms are defined in Sections 3.315 and 3.535, respectively, of the Act, 415 ILCS 5/3.315 and 3.535 (2016).

44. Section 808.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 808.121(a), provides in pertinent part as follows:

Generator Obligations

- (a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

* * *

45. Section 808.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 808.110, provides in pertinent part as follows:

Definitions

* * *

“Hazardous waste” or “RCRA hazardous waste” is as defined in 35 Ill. Adm. Code 721.

* * *

“Special waste” means any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245. (Section 3.45 of the Act.)

BOARD NOTE: The definition of “hazardous waste” at Section 3.15 of the Act differs from the definition of the same term as used in this Part. The Board intends that the Section 3.15 definition apply to this Part only for the purposes of this definition of special waste. The Board intends that the definition given in this Section apply to all other appearances for the term “hazardous waste” throughout this Part.

* * *

46. Beginning on a date better known to Respondent and continuing at least through December 15, 2016 (or until a later date better known to Respondent), Respondent failed to conduct a special waste determination on the drummed materials that were stored outside of the plant building at the Facility.

47. By failing to conduct a special waste determination on the drummed materials that were stored outside of the plant building at the Facility, Respondent violated Section 808.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 808.121(a).

48. By failing to conduct a special waste determination on the drummed materials that were stored outside of the plant building at the Facility, Respondent also violated Section 21(f)(2) of the Act, 415 ILCS 21(f)(2) (2016).

49. Beginning on a date better known to Respondent and continuing at least through December 15, 2016 (or until a later date better known to Respondent), Respondent failed to conduct a special waste determination on the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility.

50. By failing to conduct a special waste determination on the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility, Respondent violated Section 808.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 808.121(a).

51. By failing to conduct a special waste determination on the drummed materials and small containers of paint and solvents that were stored in the Paint Room at the Facility, Respondent also violated Section 21(f)(2) of the Act, 415 ILCS 21(f)(2) (2016).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, ENGINEERED PLASTIC COMPONENTS, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated the Act and the Board Waste Disposal Regulations as alleged herein;

C. Ordering the Respondent to cease and desist from further violations of the Act and the Board Waste Disposal Regulations as alleged herein;

D. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016), imposing upon Respondent a monetary penalty not to exceed twenty five thousand dollars (\$25,000) per day of violation for each violation of Section 21(f) of the Act, 415 ILCS 5/21(f) (2016), or of any filing requirement, regulation or order relating to the State RCRA program;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT IV:
OFFERING HAZARDOUS WASTE FOR SHIPMENT BY
AN UNPERMITTED TRANSPORTER TO AN UNPERMITTED FACILITY**

1-42. Complainant realleges and incorporates by reference herein paragraphs 1-42 of Count I as paragraphs 1 through 42 of this Count IV.

43. Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), provides in pertinent part as follows:

USEPA Identification Numbers

(c) A generator must not offer its hazardous waste to transporters or to treatment, storage or disposal facilities that have not received a USEPA identification number.

44. At some time between December 15, 2016 and January 12, 2017, on a date better known to Respondent, Respondent offered hazardous waste, in the form of approximately 30 drums which contained recycled paint thinner, for transport from the Facility on a semi-truck.

45. At the time when Respondent offered hazardous waste for transport, neither the semi-truck nor the persons operating the semi-truck had received a USEPA identification number.

46. By offering hazardous waste for transport to a transporter that had not received a USEPA identification number, Respondent thereby violated Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c).

47. By violating Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), Respondent also thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2).

48. At some time between December 15, 2016 and January 12, 2017, on a date better known to Respondent, Respondent offered hazardous waste, in the form of approximately 30 drums which contained recycled paint thinner, for transport from the Facility so that the material in the drums could be disposed by burning as an accelerant.

49. At the time when Respondent offered hazardous waste for disposal by burning as an accelerant, the persons who received the hazardous waste had not received a USEPA identification number for the disposal facility at which they intended to burn the hazardous waste as an accelerant.

50. By offering hazardous waste for disposal at a facility that had not received a USEPA identification number, Respondent thereby violated Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c).

51. By violating Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), Respondent also thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, ENGINEERED PLASTIC COMPONENTS, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated the Act and the Board Waste Disposal Regulations as alleged herein;

C. Ordering the Respondent to cease and desist from further violations of the Act and the Board Waste Disposal Regulations as alleged herein;

D. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016), imposing upon Respondent a monetary penalty not to exceed twenty five thousand dollars (\$25,000) per day of violation for each violation of Section 21(f) of the Act, 415 ILCS 5/21(f) (2016), or of any filing requirement, regulation or order relating to the State RCRA program;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT V:
OFFERING HAZARDOUS WASTE
FOR SHIPMENT WITHOUT A MANIFEST**

1-42. Complainant realleges and incorporates by reference herein paragraphs 1-42 of Count I as paragraphs 1 through 42 of this Count V.

43. Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a), provides in pertinent part as follows:

General Requirements

(a) Manifest form required.

(1) A generator that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

* * *

44. At some time between December 15, 2016 and January 12, 2017, on a date better known to Respondent, Respondent offered hazardous waste, in the form of approximately 30 drums which contained recycled paint thinner, for transportation for off-site treatment, storage, or disposal, without an accompanying manifest as required by Section 722.120(a)(1) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a)(1).

45. By offering the hazardous waste for transportation for off-site treatment, storage, or disposal without an accompanying manifest, Respondent violated Section 722.120(a)(1) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a)(1).

46. By violating Section 722.120(a)(1) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a)(1), Respondent also thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, ENGINEERED PLASTIC COMPONENTS, INC.:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated the Act and the Board Waste Disposal Regulations as alleged herein;

C. Ordering the Respondent to cease and desist from further violations of the Act and the Board Waste Disposal Regulations as alleged herein;

D. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2016), imposing upon Respondent a monetary penalty not to exceed twenty five thousand dollars (\$25,000) per day of violation for each violation of Section 21(f) of the Act, 415 ILCS 5/21(f) (2016), or of any filing requirement, regulation or order relating to the State RCRA program;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:



ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel

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rcallery@atg.state.il.us
ebs@atg.state.il.us
Ph.: 217/782-9031

Dated: February 9, 2018.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. _____
)	(Enforcement - Land)
ENGINEERED PLASTIC COMPONENTS,)	
INC., an Iowa corporation,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and ENGINEERED PLASTIC COMPONENTS, INC., an Iowa corporation (“Respondent”) (“Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2016), and the Board’s Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On February 9, 2018, a Complaint was filed on behalf of the People of the State

of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2016), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2016).

3. Engineered Plastic Components, Inc. ("Respondent"), is an Iowa corporation that owned and operated a facility located at 300 Shellhouse Drive, Rantoul, Champaign County, Illinois (the "Facility"). Respondent is not presently registered as a foreign corporation with the Illinois Secretary of State.

4. Prior to the events described in this Complaint, Respondent manufactured injection molded plastic parts at the Facility. At the time of the events described in this Complaint, Respondent was in the process of shutting down the Facility.

5. On December 15, 2016, January 12, 2017, and April 13, 2017, the Illinois EPA conducted inspections of the Facility, including a waste storage room known as the Paint Room, and surrounding exterior areas.

6. At some time between December 15, 2016 and January 12, 2017, Respondent allowed waste, in the form of approximately 30 drums which contained recycled paint thinner, to be transported from the Facility. These drums were removed from the Facility without being manifested. Respondent subsequently returned the drums to the Facility to be properly disposed of.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

- Count I: Conducting a Hazardous Waste Storage
Operation Without a RCRA Permit
415 ILCS 5/21(f)(1)
415 ILCS 5/21(f)(2)
35 Ill. Adm. Code 703.121(a)
35 Ill. Adm. Code 703.121(b)

- Count II: Failure to Conduct Hazardous
Waste Determinations
415 ILCS 5/21(f)(2)
35 Ill. Adm. Code 722.111

- Count III: Failure to Make Special
Waste Determinations
415 ILCS 5/21(f)(2)
35 Ill. Adm. Code 808.121(a)

- Count IV: Offering Hazardous Waste for Shipment
By Unpermitted Transporter to Unpermitted Facility
415 ILCS 5/21(f)(2)
35 Ill. Adm. Code 722.112(c)

- Count V: Offering Hazardous Waste for Shipment
Without a Manifest
415 ILCS 5/21(f)(2)
35 Ill. Adm. Code 722.120(a)(1)

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

1. After being notified by Illinois EPA of the violations at the Facility, Respondent retained the services of an environmental engineering firm, Bodine Environmental Services, to investigate areas at the Facility and to address the improper storage of waste at the Facility.

2. On or about January 13, 2017, the approximately 30 drums containing recycled paint thinner previously removed from the Facility were returned to be included as part of the materials to be removed from the Facility by the environmental contractor, Safety-Kleen Systems, Inc. ("Safety-Kleen"), as hazardous wastes.

3. On January 27, 2017, Safety-Kleen conducted a waste determination of all containerized waste present in the Paint Room. Sixty-one 55-gallon drums containing a reported 3,355 gallons of D-listed and F-listed hazardous waste were identified. Copies of Uniform Hazardous Waste Manifests provided to Illinois EPA indicate that Safety-Kleen transported all wastes to one or more off-site locations for bulking and subsequent disposal and/or treatment at permitted facilities.

4. An inspection by Illinois EPA on April 13, 2017 confirmed the paint room was empty of all drums and small containers of paint and solvents. A RCRA closure plan concerning the paint room and surrounding area was submitted to Illinois EPA, approved and executed by Respondent.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns

to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2016).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2016), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. There was major potential for impact to the environment and public health resulting from the improper storage and transport of hazardous waste.
2. There was social and economic benefit in the operation of Respondent's plastic parts manufacturing facility.

3. Respondent's plastic parts manufacturing facility was suitable for the area in which it was being operated.
4. Properly storing and transporting hazardous waste material was both technically practicable and economically reasonable.
5. Respondent has subsequently resolved the allegations in the Complaint.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2016), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and

8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Due to the difficulty in establishing the length of time of the improper storage of the hazardous waste and the dates of generation, and due to the volume of waste that was at issue, the potential for harm presented by these violations is considered major.

2. Respondent removed drums from the Facility without manifesting them. The drums were subsequently returned and Respondent then proceeded to bring the Facility into compliance with the Act, Board regulations and applicable federal regulations.

3. The wastes in question were ultimately properly managed, disposed of or recycled. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Fifty-Five Thousand Dollars (\$55,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Fifty-Five Thousand Dollars (\$55,000.00) within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Raymond J. Callery
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

2. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$55,000.00 penalty, its commitment to cease and desist as contained in Section V.D.2 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on February 9, 2018. The

Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Enforcement

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


PEOPLE OF THE STATE OF ILLINOIS,


ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

ALEC MESSINA, Director
Illinois Environmental Protection Agency

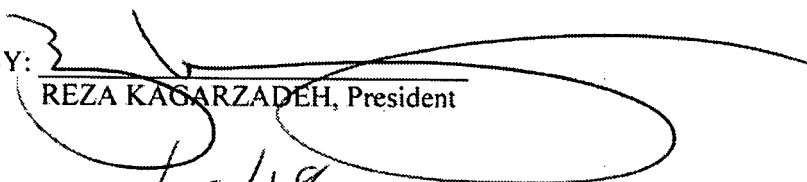
BY: 
ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 02/02/2018

DATE: 2/2/18

ENGINEERED PLASTIC
COMPONENTS, INC.

BY: 
REZA KAGARZADEH, President

DATE: 1/25/18

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No.
)	(Enforcement)
ENGINEERED PLASTIC COMPONENTS,)	
INC., an Iowa corporation,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2016), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2016). In support of this motion, Complainant states as follows:

1. A Complaint and Stipulation and Proposal for Settlement are being filed simultaneously with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2016).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2016).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: s/Raymond Callery
Raymond Callery , #6193579
Environmental Bureau
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ebs@atg.state.il.us

Dated: January 9, 2018.