ILLINOIS POLLUTION CONTROL BOARD
September 21, 1995

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 94-202
	)	(Enforcement - Land)
SUMMIT ENVIRONMENTAL SERVICES, INC.,	)	
Respondent.	)	

JAMES L. MORGAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE PEOPLE OF THE STATE OF ILLINOIS;

DAVID R. WEINSTEIN AND HOWARD S. LEVINE, WEINSTEIN & EISEN, P.C., APPEARED ON BEHALF OF DUKE C. SALISBURY, CHAPTER 11 TRUSTEE AND PROPOSED CHAPTER 7 TRUSTEE FOR SUMMIT ENVIRONMENTAL SERVICES, INC.

OPINION AND ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a July 27, 1994 complaint filed by the People of the State of Illinois (People), against respondent Summit Environmental Services, Inc. (Summit), a foreign corporation not registered to do business in Illinois, with offices at 3033 West Mission Road, Alhambra, California. The complaint alleges that Summit improperly transported hazardous waste by railcar in violation of Sections 21(e), 21(g)(2) of the Environmental Protection Act (Act), and Board regulations at 35 Ill. Adm. Code 722.120(b), 722.120(d), 722.130, 722.131, 722.132(a), 722.132(b), and 722.133.

PROCEDURAL HISTORY

On September 9, 1994, the Board received a Notice of Automatic Stay, indicating that on February 11, 1994, respondent had filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code, docketed as case no. LA 94-16300-CA. A hearing was held in this matter on December 19, 1994, at which respondent did not appear or participate. The People filed their post-hearing brief on January 9, 1995. Summit has not filed any response in this action. However, the bankruptcy trustee filed a response on January 23, 1995, which did not respond to the allegations of violation, but merely emphasized Summit's bankruptcy status. The People submitted a waiver of their reply brief on February 14, 1995.

BANKRUPTCY ISSUES

As an initial matter, we will deal with Summit's bankruptcy status. The bankruptcy trustee for Summit asserts that it takes no position on any of the acts alleged in the complaint, since they occurred prior to the bankruptcy and his appointment as trustee. However, the trustee does make the following statement:

> The only point that the trustee seeks to raise is that the State of Illinois understands and acknowledges that all fines and/or penalties that might be imposed in this proceeding are unsecured pre-petition claims against the Summit estate and to the extent any fines and or penalties are imposed, the State of Illinois will take no action to collect any such fines and/or penalties since such actions would be in violation of the United States Bankruptcy Code.
>
> (Emphasis in original.)

Pursuant to Section 362(a) of the United States Bankruptcy Code (11 U.S.C. 362(a)), filing a petition in bankruptcy invokes an automatic stay which prevents the commencement or continuation of judicial and other proceeding against the debtor or property of the estate. However, several exceptions to the automatic stay have been created in Section 362(b) of the Bankruptcy Code. These exceptions include the police powers exception created in Section 362(b)(4), which allows the states to protect the public health and the environment and sue a debtor to prevent or stop a violation of the environmental protection laws, or affix damages for violation of such laws. (People v. Fosnock, PCB 94-1 (September 15, 1994), *citing* Midatlantic v. New Jersey 474 U.S; 494, 106 S.Ct. 755, 761 (1986), In re Lenz, 65 B.R. 292, 293 (N.D. Ill. 1986).) The policy behind this police or regulatory exception to the automatic stay is to prevent the bankruptcy court from becoming a haven for wrongdoers." (Fosnock at 10, *quoting* In re Lenz at 293.)

However, Section 362(b)(5) of the Bankruptcy Code creates an "exception to the exception" which prohibits enforcement of money judgments against the debtor even if such action is brought pursuant to the police or regulatory power of the state. (In re Lenz at 294.) Thus, the automatic stay does not prohibit regulatory actions seeking injunctions and fixing fines and penalties for violations of regulatory statutes, but it is operative where the state attempts to enforce a money judgment. (Id.)

Clearly, in this action before the Board the People are seeking to establish the remedy and penalty for an alleged violation of the Board's regulatory provisions, not to enforce a

money judgment. It is therefore appropriate for this action to go forward.

BACKGROUND

Summit operates a hazardous waste fuel blending facility in California. On October 10, 1991, Summit shipped a railcar containing 221 drums of F001, F002, F003, and F005 listed hazardous waste from Colton, California to Clayton Chemical Company (Clayton Chemical) in Sauget, Illinois. The alleged violations in this action arose out of this shipment of hazardous wastes.

TESTIMONY AT HEARING

At hearing, three Environmental Protection Specialists testified on behalf of the Agency: 1) Thomas E. Powell, from the Agency's Office of Chemical Safety, Emergency Response Unit; 2) Mark Johnson, from the Agency's Office of Chemical Safety, Emergency Response Unit; and 3) and Michael D. Grant, a hazardous waste inspector with the Agency. Their uncontested testimony established the following sequence of events.

The railcar arrived in Illinois on November 22, 1991. However, Clayton Chemical was not permitted to receive shipments by rail, and the railcar was shunted by the Terminal Railroad Association (TRRA) to a railroad siding leased by Clayton Chemical at TRRA's railyard in Madison, Madison County, Illinois.

On January 29, 1992, John Spitz, a hazardous materials inspector for the United States Department of Transportation Federal Railroad Administration (FRA), observed that the railcar was exuding solvent odors, and that its undercarriage was stained with materials leaking from within the railcar, which appeared to be paint-related solvents. Mr. Spitz reported his findings to the TRRA, who reported them to the Illinois Emergency Services Disaster Agency (ESDA), now known as the Illinois Emergency Management Agency (EMA).

That same day, Thomas E. Powell, an inspector with the Agency's Office of Chemical Safety, Emergency Response Unit, conducted a site visit and inspected the railcar. Inspector Powell, together with Larry Hurt of the TRRA and FRA Inspector Spitz, opened the railcar. They found that the railcar was filled with 55-gallon drums of hazardous waste, stacked two and three drums high.

Some of the drums were made of plastic or polyethylene, and some of them were made of steel. The drums were in poor condition, and many were leaking. (Tr. at 8.) Wastes were observed on the floor of the boxcar and dripping from the drums. Spillage was also visible on the undercarriage of the railcar,

leaking through the floor from inside the car. The staining and odors emanating from the boxcar led Inspector Powell to believe the drums contained paint-related solvents. The railcar was moved to a more remote portion of the railyard, and efforts were undertaken to collect dripping wastes.

Inspector Powell notified Mark Johnson, an inspector with the Agency's Office of Chemical Safety, Emergency Response Unit, and Michael D. Grant, a hazardous waste inspector with the Agency's Division of Land, of the conditions at the site. All three inspectors investigated the site on January 30. Inspectors Johnson and Grant subsequently provided oversight for the remediation efforts. The inspection reports of each inspector, including photographs of conditions at the site, were admitted into evidence.

David Scott Walker, Summit's Director of Environmental Affairs, met with Inspector Powell and inspected the site on January 30. He confirmed that the materials in the railcar were from Summit. (Tr. at 18.) On February 3, the three Agency inspectors met at the site, and obtained the keys to the railcar from Ed Reedy, Jr., vice-president of Clayton.

Condition of the Drums.

While metal banding used to secure drums was present in the railcar, it was not properly affixed but merely thrown in the railcar, and did not prevent the drums from shifting. (Testimony of Inspector Grant, Tr. at 50.) In fact the testimony at hearing and the photographs accompanying the inspection reports reveal that the drums did in fact shift, and that many were dented and crushed. Some of the drums had their lids knocked off, thereby exposing the material inside. Several of the drums were in a deteriorated condition, and were visibly leaking material onto other drums, and onto the floor and walls of the boxcar. Some were upside down, and others were on their sides. The floor of the railcar was coated with a black, viscous substance that had leaked from the barrels.

The Agency directed that the drums be secured for shipment off-site to a proper treatment facility. This entailed repacking leaking, damaged, or insecure drums in 85 gallon repack containers. Of the approximately 250 drums within the boxcar, Inspectors Grant and Johnson testified that only 35-36 did not require repacking in 85 gallon drums. (Testimony of Inspector Grant, Tr. at 43; Testimony of Inspector Johnson, Tr. at 27.)

Inspector Powell testified that the drums he observed all appeared to be used drums that were not reconditioned. He testified that they had old labels or stencils that were painted over. Inspector Grant also testified that all of the drums appeared to be used.

Remediation Activities.

A staging area was established outside the railcar, at which the repacking took place. Summit personnel removed the drums from the railcar and recontainerized them in 85 gallon drums. The Summit personnel were initially assisted by personnel from Hazardous Waste Recovery (HWR), the facility where the wastes were being taken for disposal. The drums were removed from the railcar using a forklift and "drum grappler," a metal hook used to move drums. Some of the drums were so badly crushed and out of round that they could not be lifted with the drum grappler, and required the use of straps to remove them from the railcar. The Summit personnel also removed the wastes which had leaked from the inside of the railcar. All the wastes were loaded into rubber-tired trailer trucks and shipped to a disposal site. This work was completed by February 10, 1992. (Post-Hearing. Br. at 6.)

Labelling of the Drums.

Inspector Grant testified that during the course of his visits he was able to observe all or a majority of the drums that had been in the railcar. He testified that not all of the drums were labelled with Summit's name and address, and the manifest document number. He testified that numerous labels were found on the floor of the boxcar. Additionally, he testified that not all of the drums had a label stating "Hazardous Waste federal law prohibits improper disposal; if found contact the nearest police or public safety authority or the United States Environmental Protection Agency." Inspector Grant also testified that not all of the drums had the DOT required label for flammable liquids. Finally, he testified that none of the drums containing 1-1-1 trichloroethane he observed were labelled with a warning stating "keep away from food."

Inspector Johnson testified that while the majority of drums did have hazardous waste labels on them identifying Summit, not all of them were so labelled. (Tr. at 26.) He also testified that not all of the drums had the hazardous waste warning label, or the DOT label for flammable liquids.

Manifests.

Six manifests were attached to Inspector Powell's inspection report. These were copies of the manifests for the wastes Summit faxed to Mr. Hurt at the TRRA on January 29. Additionally, copies of the manifests were found inside the railcar, copies of which were included in Inspector Grant's inspection report. The manifests show that the drums in the railcar contained hazardous wastes. The wastes listed in the manifests included RCRA listed wastes D001, F001, F002, F003, and F005, a flammable mixture of ketone, alcohol, toluene, and xylene, and 1,1,1-trichloroethane.

Manifests were also prepared in order to ship the recontainerized wastes from the railyard to HWR for ultimate disposal, and the waste characterizations on those manifests match the characterization of the original manifests found in the railcar.

On the manifests, Summit listed Clayton Chemical as the designated receiving facility, despite the fact that Clayton Chemical is not permitted to accept rail shipments of waste at its Sauget facility. (Tr. at 37-38.) No alternate facility was designated on the original manifests. A subsequent bill of lading directed that the railcar be shipped to Cahokia Marine Services, despite the fact that this facility was also not permitted to receive such shipments. (Tr. at 19, 38.)

Placards.

Inspectors Powell, Grant, and Johnson each testified that the railcar did not have the DOT required placards on all 4 sides. Inspector Grant also testified that only one side of the railcar had a placard indicating that it contained flammable materials.

VIOLATIONS

The People allege that Summit committed the following violations:

Shipping Hazardous Wastes to an Improper Facility.

The People allege that Summit violated Section 21(e) of the Act by shipping hazardous wastes by rail to Clayton Chemical, which was not permitted or equipped to accept such shipments. The People also allege that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.120(b) by designating Clayton Chemical as the receiving facility on the shipping manifest accompanying the wastes. Furthermore, the People allege that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.120(d) by failing to designate another facility permitted to accept hazardous waste when the transporter could not deliver the wastes to Clayton Chemical.

The record clearly demonstrates that Summit attempted to ship the railcar of hazardous wastes to Clayton Chemical, a facility which is not permitted for or capable of receiving shipments by rail. We therefore find that Summit violated Section 21(e) of the Act. The copies of the manifests included in the record also clearly show that Clayton was designated on the manifests as the receiving facility for the waste shipment. We therefore find that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.120(b). Summit also failed to designate an alternative receiving facility which could accept the wastes when Clayton Chemical was unable to accept them. We

therefore find that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.120(d).

Labelling Drums.

The People allege that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.132(a) by failing to mark the drums of hazardous waste with: (1) the proper shipping name and identification number; (2) the technical names for the wastes; and (3) either the waste name, waste stream number, or EPA characteristic. The People further allege that Summit violated Section (g)(2) of the Act and 35 Ill. Adm. Code 722.132(b) by failing to mark the drums of hazardous waste with Summit's name and address, the manifest document number, and the following statement:

> HAZARDOUS WASTE -- Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

The People further allege that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.131 by failing to label the drums of hazardous waste with the United States Department of Transportation (U.S. DOT) required label for flammable liquids and by failing to label the drums containing 1,1,1-trichloroethane with the warning "Keep Away From Food."

The testimony of Inspector Grant and Inspector Johnson establish that many of the drums were not properly labelled in accordance with the requirements of Section 21(g)(2) of the Act, 35 Ill. Adm. Code 722.132(a), 35 Ill. Adm. Code 722.132(b), and 35 Ill. Adm. 131. We therefore find that Summit violated this section of the Act and these Board regulations.

Allowing Releases of Hazardous Waste.

The People further allege that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.130 by utilizing drums which leaked, thereby allowing identifiable releases of hazardous wastes.

The record clearly establishes that many of the drums leaked, causing releases of hazardous materials. The Agency inspectors testified that the drums were not new or reclaimed drums, but were old drums with painted-over labels. The photographs demonstrate that some drums leaked from seams, while other releases occurred from drums which had their lids knocked off. Hazardous waste leaked from upper barrels onto the barrels below, and was splattered on the inside walls of the railcar. The leaks were of a sufficient quantity that the floor of the boxcar was covered with the waste, and a quantity of waste leaked

through the floor of the railcar onto its undercarriage and the tracks below. We therefore find that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.130.

Improper Placarding.

Finally, the People allege that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.133 by failing to placard the railcar in accordance with the requirements of 49 CFR Part 172, Subpart F.

All three Agency inspectors testified that the railcar was not properly placarded on all four sides. Inspector Grant testified that the car was only placarded on one side. We therefore find that Summit violated Section 21(g)(2) of the Act and 35 Ill. Adm. Code 722.133.

REMEDY

Having found that Summit violated the Act and Board regulations, we must determine what constitutes a proper remedy. This determination is governed by Section 33(b) of the Act. Under Section 33(b) the Board has authority to issue final orders, including orders directing a party to cease and desist from violations, and orders imposing civil penalties in accordance with Section 42. Under Section 33(c), when issuing its orders and determinations, the Board is to consider:

> all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved, including but not limited to the following:
>
> 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 are in which it is located . . .;
>
> 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.

(415 ILCS 5/33(c).)

In the complaint, the People seek an order finding Summit in violation of the Act and Board regulations, and directing Summit to cease and desist from further violations. Additionally, the People see the imposition of a civil penalty of up to $25,000 per violation per day for each day of violation.

Under the circumstances of this case, where Summit has not responded to any of the allegations made against it, we find that an order imposing a penalty, and directing Summit to cease and desist from further violations of the Act, is an appropriate remedy.

PENALTY

Section 42 of the Act gives the Board authority to impose civil penalties upon those found in violation of the Act or Board regulations, or permits or Board orders issued pursuant thereto. Section 42(a) of the Act provides:

> Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, . . . shall be liable to a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues. . . .

Additionally, Section 42(b)(3) provides:

> Any person that violates Section 21(f), (21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

In determining the appropriate penalty to be imposed for a violation, Section 42(h) of the Act authorizes the Board to consider factors in aggravation or mitigation thereof, including but not limited to:

1. the duration and gravity of the violation;

2. the presence or absence of due diligence on the part of the violator in attempting to comply with the requirements of this Act and regulations thereunder . . .;

3. any economic benefits accrued by the violator because of delay in compliance with requirements;

4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and

5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

Section 42(f) of the Act also authorizes the Board to award costs and reasonable attorney's fees to the State's Attorney or Attorney General in a case where he has prevailed against a person who has committed a wilful, knowing or repeated violation of the Act. Any funds collected under this provision in which the Attorney General has prevailed must be deposited in the Hazardous Waste Fund created pursuant to Section 22.2 of the Act.

In their post-hearing brief, the People assert that a significant penalty is warranted, and suggest the imposition of a $200,000 penalty. (Post-Hearing Br. at 7.) In support, the People assert that there are several factors which the Board should consider in aggravation of the penalty.

First, the People note that the violations extended for four months. (Post-Hearing Br. at 6.) The wastes were shipped on October 19, 1991, and arrived in Illinois on November 22, 1991. Summit did not take any action until January 27, 1992. The People assert that Summit only removed the waste, recontainerized it, and shipped it off-site at the insistence of state and federal inspectors. (Id.)

Second, the People emphasize the gravity of the violations. (Post-Hearing Br. at 6.) The People assert that leaking and deteriorated drums of ignitable hazardous waste sitting in an improperly placarded railcar in the middle of a busy railyard threatened the safety of all persons and other railcars in the vicinity.

Third, the People emphasize Summit's lack of due diligence. (Post-Hearing Br. at 7.) The People assert that this is demonstrated by the unsuitability of the drums for the waste they contained, the lack of labels, the failure to block and brace the drums, the failure to placard the railcar, Summit's inaction until the arrival of state and federal inspector's at the site, and Summit's second attempt to ship wastes to a site not permitted to accept it.

Fourth, the People assert that Summit gained an economic benefit by avoiding the costs of storing the waste between the time of its initial shipment and its ultimate disposal. (Post-Hearing Br. at 7.) Finally, the People assert that a $200,000

penalty will deter further violations by Summit and will aid in enhancing voluntary compliance by other persons subject to the Act. (Post-Hearing Br. at 7.) Additionally, the People seek the imposition of $1,900 in attorneys fees and $63.00 in costs. (Post-Hearing Br. at 5, 8.)

The People's post-hearing brief was accompanied by an affidavit attesting to the time, effort, and costs spent in preparing this case, and the experience of the assigned Senior Assistant Attorney General. The People seek to recover attorney's fees at a rate of $100.00 per hour.

Summit has not responded to the People's assertions concerning the appropriate determination of a penalty amount.

We find that the factors recited by the People justify the imposition of the requested penalty amount. Summit showed a blatant disregard for the safety procedures mandated for the shipment of hazardous waste. The wastes were stored in improper containers, and no precautions were taken to prevent their leaking. The contaminated, leaking railcar sat in an active Illinois railyard for over two months, leaking its hazardous, flammable contents onto the rails and into the environment, posing a threat to the environment, and threatening the safety of railyard workers. The improper placarding of the railcar and improper labelling of the drums increased the risk posed by failing to warn of the dangers presented.

Additionally, we find that Summit's lack of due diligence warrants the imposition of a significant penalty. Summit's shipment of improperly braced or blocked drums, improper labelling of drums, improper placarding of the railcar, improper manifesting of the wastes, and shipment of waste in inappropriate drums show a blatant disregard for the Board's regulations. This disregard for applicable regulations becomes even more apparent when it is remembered that Summit is in the business of blending hazardous waste fuels, and therefore should have been well aware of the applicable requirements. Despite this, Summit shipped its wastes to a facility that was not permitted to accept them. Summit then attempted to ship the wastes to Cahokia Marine Terminals, another facility which was also not permitted to accept them.

Furthermore, Summit's lack of concern for the risks presented by its improper shipment of waste is evident in its failure to take any remedial action until such action was insisted upon by state and federal regulators. We also find that Summit gained an economic benefit by not having to store the wastes for the approximately four-month period of the violations. Finally, we note that Summit failed to appear at all in this action to explain its actions or present any defense.

Under these circumstances, the Board finds that the significant threat posed to human health and the environment, combined with Summit's lack of due diligence, warrants the imposition of a significant penalty. The Board further finds that a significant penalty will deter future violations by Summit and aid voluntary compliance by others with the terms of the Act and Board regulations. We find that the $200,000 penalty requested by the People is warranted. Additionally, we find that, pursuant to Section 42(f) of the Act, Summit has willfully and knowingly violated the Act, and that it is appropriate to direct Summit to pay the People's attorneys fees and costs. We further find that the fees and costs sought by the People, as attested to by affidavit, are reasonable.

ORDER

1) The Board hereby finds that respondent Summit Environmental Services, Inc. (Summit), improperly transported hazardous waste by railcar in violation of Sections 21(e), 21(g)(2) of the Environmental Protection Act (Act), and Board regulations at 35 Ill. Adm. Code 722.120(b), 722.120(d), 722.130, 722.131, 722.132(a), 722.132(b), and 722.133.

2) Summit shall immediately cease and desist from further violations of the Act or Board regulations.

3) Summit shall pay a penalty of two hundred thousand dollars ($200,000) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, the respondent's Federal Employer Identification Number or Social Security Number and that payment is directed to the Illinois Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003) as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

4) Summit shall pay the attorneys fees of one thousand nine hundred dollars ($1,900.00), incurred at a rate of $100/hour, and costs of sixty-three dollars ($63.00), incurred by the Office of the Illinois Attorney General in its representation of the State of Illinois and the Illinois Environmental Protection Agency. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Hazardous Waste Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, the respondent's Federal Employer Identification Number or Social Security Number and that payment is directed to the Hazardous Waste Fund.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of September, 1995, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board