

ILLINOIS POLLUTION CONTROL BOARD
March 20, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 01-83
) (Enforcement - Land)
INDIANA HARBOR BELT RAILROAD)
COMPANY, a foreign corporation, and ACN)
INTERNATIONAL, INC., an Illinois)
corporation,)
)
Respondent.)

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

On November 21, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Indiana Harbor Belt Railroad (Indiana Harbor) and ACN International, Inc. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Indiana Harbor violated Section 21(a) and (p) of the Environmental Protection Act (Act) (415 ILCS 5/21(a) and (p) (2002)). The People also allege that ACN International, Inc. violated Section 21(a), (d)(1)- (2), (e) and (p) of the Act (415 ILCS 5/21(a), (d)(1)- (2), (e) and (p) (2002)) and 35 Ill. Adm. Code 732.111 and 808.121 of the Board's rules. The People allege that Indiana Harbor and ACN International, Inc. violated these provisions by allowing and arranging the consolidation of waste at a site that does not meet the definition of a sanitary landfill. The complaint concerns Indiana Harbor's site at the intersection of 138th Street and Ashland Avenue in Riverdale, Cook County.

On March 10, 2003, the People and Indiana Harbor filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Indiana Harbor denies the alleged violations and agrees to pay a civil penalty of \$20,000.

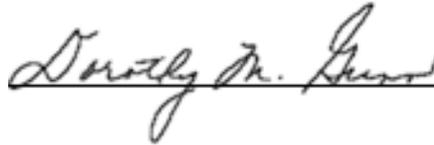
Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

On March 10, 2003, the People also filed a motion to dismiss the complaint filed against respondent ACN International, Inc. The People state in the motion that ACN International, Inc.

was involuntarily dissolved by the Illinois Secretary of State on December 31, 2000, and the president, owner and operator passed away in November 2000. The People believe further action against ACN International, Inc. would be fruitless at this time; however, the People do ask that the People be given leave to re-file if ACN International, Inc. begins doing business or is reinstated. The Board grants the motion to dismiss ACN International, Inc. and allows the People leave to re-file if the People should so decide.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 20, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board