

ILLINOIS POLLUTION CONTROL BOARD  
February 4, 2016

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| PEOPLE OF THE STATE OF ILLINOIS,  | ) |                      |
|                                   | ) |                      |
| Complainant,                      | ) |                      |
|                                   | ) |                      |
| v.                                | ) | PCB 16-79            |
|                                   | ) | (Enforcement - Land) |
| GBC METALS, LLC d/b/a OLIN BRASS, | ) |                      |
| a Delaware Corporation,           | ) |                      |
|                                   | ) |                      |
| Respondent.                       | ) |                      |

ORDER OF THE BOARD (by G.M. Keenan):

On January 20, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against GBC Metals, LLC d/b/a/ Olin Brass, a Delaware corporation (respondent). The complaint concerns disposal of hazardous waste generated by respondent at its property located at 305 Louis and Clark Blvd., in East Alton, Madison County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 21(e) of the Act (415 ILCS 21(e) (2014)), and Sections 722.120(a)(1), 722.133, 728.107(a)(2), 728.109(a), 728.134, 808.121((b) and (c), 808.122, and 809.501 of the Board’s Solid Waste Landfill Regulations (35 Ill. Adm. Code 722.120(a)(1), 722.133, 728.107(a)(2), 728.109(a), 728.134, 808.121((b) and (c), 808.122, and 809.501). The complaint alleges respondent violated these provisions by: 1) disposing hazardous waste at a facility which is not permitted to accept hazardous waste, 2) generating and offering a hazardous and special waste for transportation and off-site disposal without properly preparing a manifest, 3) failing to placard or offer the initial transporter the appropriate placards for a container containing hazardous waste and subsequently offering the container for transportation off-site, and 4) failing to send the required one-time notification to the landfill for a shipment of hazardous waste. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On January 20, 2016, simultaneously with the People’s complaint, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2014)). This filing

is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$10,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2014); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 4, 2016, by a vote of 5-0.



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John T. Therriault, Clerk  
Illinois Pollution Control Board