

ILLINOIS POLLUTION CONTROL BOARD
July 21, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-05
)	(RCRA Enforcement)
GKN AEROSPACE NORTH AMERICA,)	
INC., a Delaware corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

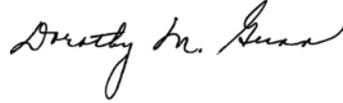
On July 7, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against GKN Aerospace North America, Inc. (GKN Aerospace). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that GKN Aerospace violated Section 21(e) of the Environmental Protection Act (Act) (415 ILCS 5/21(e) (2004)) and 35 Ill. Adm. Code 722.120(a) and (b), 722.133, 728.107(a)(1) and (a)(2), and 728.109(a), 728.138(a), and 728.140. The People further allege that GKN Aerospace violated these provisions by shipping hazardous waste (1) without determining the appropriate hazardous waste number; (2) without placarding the waste container; (3) without preparing a hazardous waste manifest; (4) without notifying the receiving facility that the waste was a hazardous waste; (5) for disposal at a landfill that was not permitted to receive hazardous waste; and (6) for landfill disposal that did not meet the land disposal restrictions. The complaint concerns GKN Aerospace's shipment of a 20-ton roll-off container of sump sludge that contained hazardous waste from its aerospace facility at 142 JS McDonnell Boulevard, Hazelwood, St. Louis County, Missouri to the Milam Recycling and Disposal non-hazardous solid waste landfill in St. Clair County, Illinois.

On July 7, 2005, the People and GKN Aerospace also 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the GKN Aerospace neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$22,000.

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) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 21, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board