

ILLINOIS POLLUTION CONTROL BOARD
April 19, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 99-79
) (Enforcement - Air)
GLC, INC. d/b/a MIDWEST GRINDING)
AND RECYCLING,)
)
Respondent.)

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

On December 16, 1998, the People of the State of Illinois (People) filed a three-count complaint against respondent GLC, Inc. d/b/a Midwest Grinding and Recycling (GLC). The complaint alleged GLC caused, threatened or allowed the emission of contaminants, operated without a permit, and failed to submit proper National Emission Standards for Hazardous Air Pollutants (NESHAP) notifications to the Illinois Environmental Protection Agency. The complaint alleged that these violations occurred at five locations in Madison County. The activities were in alleged violation of Sections 9(a) and (b), and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b), and 9.1(d) (1998)), the Board's permitting regulations at 35 Ill. Adm. Code Part 201, the Board's visible and particulate emissions regulations at 35 Ill. Adm. Code Part 212, and the federal NESHAP standards for demolition and renovation found at 40 C.F.R. 61.145.

On March 6, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). GLC proposes to pay a \$10,000 penalty in quarterly installments. Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Alton Telegraph* on March 9, 2001. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. GLC denies the violations alleged by the People, but agrees to pay a civil penalty of \$10,000 in quarterly installments.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. GLC must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and GLC, Inc. d/b/a Midwest Grinding and Recycling (GLC). The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. GLC must pay a civil penalty of \$10,000, payable in quarterly installments. All payments must be made by certified check or money order payable to the Treasurer of the State of Illinois, for deposit in the Environmental Protection Trust Fund. The case number, case name, and GLC's Federal Employer Identification number 36-4029145 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. GLC must make its first payment of \$2,500 within 30 days of the date of this order, that is, on or before May 21, 2001. GLC must make three additional payments of \$2,500 on or before the following dates: August 17, 2001, November 15, 2001, and February 13, 2002.
4. The checks or money orders must be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Copies of the payment transmittal and check shall be simultaneously submitted to:

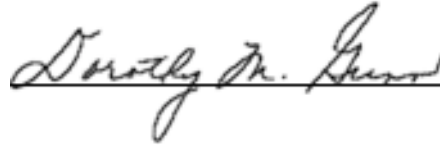
Office of the Attorney General
Sally Carter, Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
5. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

6. GLC must diligently conform to Sections 9(a), (b), and 9.1(d) of the Act (415 ILCS 5/9(a), (b), and 9.1(d)(1998)), 35 Ill. Adm. Code 210.141, 201.142, 210.143, 212.301, and 212.321, and 40 C.F.R. 61.145(b), and any other federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 19th day of April 2001 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board