

ILLINOIS POLLUTION CONTROL BOARD  
October 15, 1987

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
vs ) PCB 86-167  
 )  
THE STEEL COMPANY, )  
 )  
Respondent. )

DIANE ROSENFELD LO PATA, ASSISTANT ATTORNEY, APPEARED ON BEHALF OF COMPLAINANT, AND

RICHARD J. KISSEL (MARTIN, CRAIG, CHESTER & SONNESCHEIN), APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the October 6, 1986 complaint filed by the Illinois Environmental Protection Agency (Agency) against The Steel Company (Company).

The Steel Company (formerly known as the Chicago Steel and Pickling Company), operates a facility at 12500 S. Stony Island Avenue, Chicago, Illinois, engages in the cleaning and cutting of coil steel, which processes create a spent pickle liquor.

The nine count complaint in this case alleges various violations of the Act and the Board's RCRA regulations arising from the Company's storage and treatment of its spent pickle liquor; the complaint alleges that the spent pickle liquor constitute a hazardous waste because it contains hexavalent chromium and lead. Violations alleged were of Sections 21(e), 21(f)(1) and (2) and 44(a)(1)(A) of the Act and 35 Ill. Adm. Code 703.121, 703.150, 725.113(b), 725.114(c), 725.115(d), 725.116(e), 725.137(a), 725.151(a), 725.212(a), 725.242(a), 725.175, 725.243, 725.292(c) and 35 Ill. Adm. Code 722, Subparts B, C and D.

At hearing on June 26, 1987, the parties stated settlement had been reached, but that an agreement had not been drafted. One facet of the agreement noted at hearing was that there would be no admission that "this is a TSD facility" (that is, a RCRA hazardous waste treatment, storage or disposal facility) (R.4). No members of the public were present at this hearing.

storage tank and tank area to the Agency within 45 days, and to implement the plan 60 days after Agency approval is received. The Board notes that the agreement is silent concerning what is to occur in the event of Agency disapproval of the proposal plan. In the event that the parties cannot agree on a closure plan, either party is free to request relief pursuant to Section 103.241 of the Board's procedural rules.

Paragraph 10 makes a citation to Section "7322.141"; this should be Section "722.141".

Paragraph 11 provides no date for the payment of the Stipulated \$2,500; at hearing the parties stated an intent to have the Board provide for payment in the Order. The Board has inserted a 30 day time limit, as this is standard in the stipulations presented to the Board.

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

#### ORDER

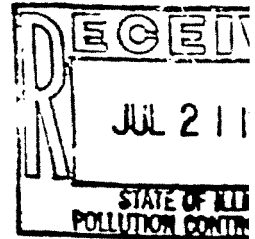
It is the Order of the Illinois Pollution Control Board that:

- 1) The Board hereby accepts the Proposal executed by the Steel Company, Inc. and the Illinois Environmental Protection Agency filed with the Board on September 18. The terms and conditions of the Revised Settlement Agreement, which is attached hereto, are incorporated into this Order.
- 2) Respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay the sum of \$2,500 (Two Thousand, Five Hundred Dollars). The sum shall be paid within 30 days of the date of this Order. The payment shall be mailed to:

Fiscal Services Division  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, IL 62706

IT IS SO ORDERED.

J. T. Meyer dissented.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
COOK COUNTY, ILLINOIS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
-vs-	)	PCB 86-167
	)	
THE STEEL COMPANY, an Illinois	)	
Corporation,	)	
	)	
Respondent.	)	

SETTLEMENT AGREEMENT

This agreement being entered this 21st day of July, 1987, between the Illinois Environmental Protection Agency (IEPA) by and through its Attorney, Neil F. Hartigan, Attorney General for the State of Illinois, and THE STEEL COMPANY, an Illinois corporation witnesseth:

1. Whereas the Agency alleges several matters in its Complaint regarding the treatment, storage and disposal of hazardous waste at and in the Respondent's facility; and

2. Whereas the omissions and activities alleged in the Agency's Complaint would constitute several violations of the Illinois Environmental Protection Act ("Act"), Ill.Rev.Stat. 1985, ch. 111 1/2, par. 1001 et seq.

3. Whereas the Steel Company ( when used in this agreement, the " Steel Company" shall include all of its affiliated companies ) contests the allegations of the Agency's Complaint and does not admit liability thereto, but promises, covenants and agrees not to engage in any activity in violation of

10. That the Company will submit annual reports for generators in accordance with Section <sup>722.141</sup> for 1984 through the 1986.

11. Whereas the Agency and the Steel Company seek to settle and resolve its controversy regarding the matters alleged in the Complaint; and in furtherance thereof, the Steel Company has agreed to pay the sum of TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$2,500.00) to the ENVIRONMENTAL PROTECTION TRUST FUND.

Now therefore, the Agency agrees, in consideration of payment of the \$2,500.00 (Two Thousand Five Hundred Dollars) to the Environmental Protection Trust Fund, to settle and compromise the controversy pending between the Agency and the Steel Company as set forth in the Agency's Complaint and to release the Steel Company from all claims made in the Agency's Complaint. The Agency does not however, in any manner or respect, waive or relinquish any claim or claims <sup>it</sup> now has or hereafter may have against any other persons, firms or corporations other than the Steel Company in connection with the aforesaid allegations set forth above, nor does it waive or release any rights or claim or claims it now has or may have against the Steel Company with regard to any actions conditions or situations that may now exist or hereafter come into being the Steel Company apart from the alleged acts and omissions set forth in the Complaint.