

ILLINOIS POLLUTION CONTROL BOARD
June 19, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
)
Complainant,)
)
v.) PCB 97-38
) (Enforcement - RCRA)
AMSTED INDUSTRIES, INC., a Delaware)
corporation d/b/a GRIFFIN WHEEL)
COMPANY; L.E. SWIDERSKI d/b/a)
GRIFFIN WHEEL COMPANY,)
HORSEHEAD RESOURCE)
DEVELOPMENT COMPANY, INC., a)
Delaware corporation, and HELLMAN)
TRUCKING COMPANY, INC., an Iowa)
corporation,)
)
Respondent.)

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

This matter comes before the Board upon a three-count complaint filed August 22, 1996 by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois (People), against Amsted Industries, Inc., a Delaware corporation d/b/a Griffin Wheel Company, L.E. Swiderski d/b/a Griffin Wheel Company; Horsehead Resource Development Company, Inc., a Delaware corporation, and Hellman Trucking Company, Inc., an Iowa corporation (respondents).

The complaint alleges respondents violated Sections 21(g)(1) and (2) and 21(d)(2) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(g) (1) and (2) and 21(d)(2) (1996)); 35 Ill. Adm. Code 809.201, 809.301, and 809.302(a), by delivering special waste to an unpermitted waste hauler, by transporting special waste without a permit, and by the acceptance of special waste from an unpermitted waste hauler.

On April 24, 1997, the parties filed a stipulation and settlement agreement as to Hellman Trucking Company, Inc. (Hellman), an Iowa corporation only¹, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. (415 ILCS 5/31(c)(2)(1996)). The Board published a notice of the waiver on May 20, 1997. No objection to the granting of the waiver

¹ This order does not effect the pending allegations against the remaining respondents.

was received. Accordingly, the Board grants a waiver from the hearing requirement agreement as to Hellman only.

The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Hellman neither admits nor denies the alleged violations and agrees to pay a civil penalty of five thousand dollars (\$5,000.00).

The Board finds the settlement agreement between the People and Hellman acceptable under 35 Ill. Adm. Code 103.180. The Board notes that acceptance of this stipulation and settlement agreement moots all pending motions before the Board concerning the People and Hellman. This settlement agreement in no way affects Hellman's responsibility to comply with any federal, State, or local regulations, including but not limited to the Act and the Board's regulations. The caption in this matter in future orders shall reflect that the Board has accepted the settlement agreement between the People and Hellman and has dismissed Hellman as a respondent in this matter. This matter will proceed against the remaining respondents.

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 against Hellman Trucking Company, Inc. (Hellman), an Iowa corporation only. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) Hellman shall pay the sum of five thousand dollars (\$5,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on Hellman's Federal Employer Identification Number 42-084-0625 and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

Rebecca A. Burlington

Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, IL 60601

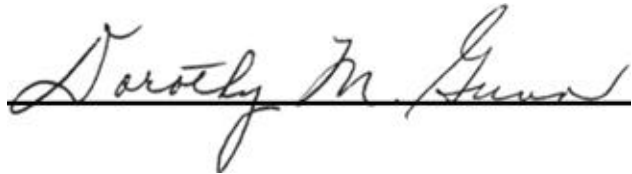
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Hellman shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this opinion and order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19th day of June 1997, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board