

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-10
) (Enforcement - RCRA)
ALLSTEEL, INC., an Illinois corporation,)
)
Respondent.)

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

On July 11, 1996, the Illinois Attorney General, on behalf of the People of the State of Illinois (complainant), filed a 14-count complaint against Allsteel, Inc. (Allsteel), an Illinois corporation and steel furniture manufacturer located at Allsteel Drive, Aurora, Kane County, Illinois.

The complaint alleged that Allsteel violated Sections 21(f)(1) and 21(f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/21(f)(1), (f)(2) (1996)) and 35 Ill. Adm. Code 703.121, 722.111, 725.113, 725.116, 725.132, 725.134, 725.137, 725.151(b), 725.152(e), 725.153, 725.156(e) 725.173(a), 725.175, and 728.101(b), by operating a hazardous waste storage facility without a permit; failing to develop and follow a waste analysis plan; failing to implement and maintain a contingency plan; failing to submit the contingency plan to local authorities; failing to maintain an operating log; failing to submit an annual report; failing to train personnel; failure to install and provide access to internal communications or alarm system; failing to adequately make a hazardous waste determination; failing to make arrangements with local authorities; and failing to maintain notices of land disposal.

On June 25, 1997, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) of the Act 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 June 27, 1997, in the Aurora Beacon-News. On July 18, 1997, the Board received an objection to the granting of the waiver from the Village of Montgomery. The waiver was denied by a Board Order dated July 24, 1997, and a hearing was held on November 19, 1997.

The stipulation and settlement agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. Allsteel denies the alleged violations but agrees to pay a total civil penalty of \$27,500. The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180.

The settlement agreement in no way affects Allsteel's responsibility to comply with any federal, State, or local regulations, including but not limited to the Act and the Board's pollution control 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 Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and Allsteel, Inc. (Allsteel), an Illinois corporation, located at Allsteel Drive, Aurora, Kane County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
2. Allsteel shall pay a total sum of \$27,500 within 30 days of the date of this order, or on or before February 7, 1998. 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
1021 N. Grand Avenue East
Springfield, IL 62702

The certified check or money order shall clearly indicate on the Allsteel's federal employer identification number 36-0717079 and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

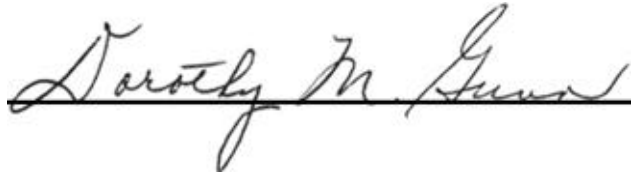
3. Allsteel shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

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 service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; 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 opinion and order was adopted on the 8th day of January 1998, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board