

ILLINOIS POLLUTION CONTROL BOARD
November 20, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 03-20
)	(Enforcement - Water)
ACME REFINING SCRAP IRON AND)	
METAL COMPANY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

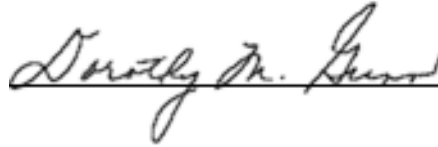
On August 22, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Acme Refining Scrap Iron and Metal Company (Acme). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Acme violated Section 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 12(a) and (f) (2002)) and Sections 302.203 and 309.102(a) of the Board regulations (35 Ill. Adm. Code 302.203 and 309.102(a)). The People further allege that Acme violated these provisions by causing water pollution from discharge of runoff containing metal shavings into ditches connected to the North Branch of the Chicago River and by failing to obtain a National Pollutant Discharge Elimination System permit for the runoff. The complaint concerns Acme's scrap metal storage facility at 1409 Rockland Road, Lake Bluff, Lake County.

On November 4, 2003, the People and Acme 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Acme neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$21,000.

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) (2002); 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 November 20, 2003, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board