

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Stein Steel must pay a civil penalty of \$15,000 no later than February 21, 2004, which is the 30th day after the date of this order. Stein Steel must pay the civil penalty by certified check or money order, payable to Illinois Environmental Protection Trust Fund. The case number, case name, and Stein Steel's federal employer identification number (34-1320778) must be included on the certified check or money order.
3. Stein Steel must send the certified check or money order to:

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

A copy of the payment transmittal and check must be sent simultaneously to:

Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

4.
 - a. No later than February 21, 2004, which is the 30th day after the date of this order, the respondent must submit a comprehensive fugitive particulate control program which meets the requirements of 35 Ill. Adm. Code 212.309 and is consistent with the information submitted in the application for the CAAPP permit to the Agency by sending to:

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

and

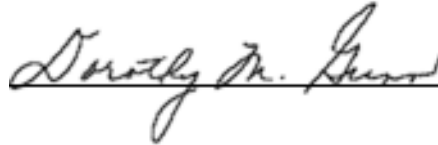
Illinois Environmental Protection Agency
c/o John Justice
2009 Mall Street
Collinsville, IL 62234

- b. The Agency must, within thirty (30) days, review the program submitted by Stein Steel pursuant to subparagraph (a) and advise Stein Steel in writing whether the program is acceptable. If the program is deficient, the Agency must advise Stein Steel of the deficiency or deficiencies identified.
 - c. If the Agency, pursuant to subparagraph (b), identifies any deficiencies in the fugitive particulate control program submitted pursuant to subparagraph (a), Stein Steel shall resubmit the program with the required corrections within thirty (30) days of the date of receipt of the Agency's notice of deficiency to the Agency at the addresses listed in subparagraph (a).
 - d. Stein Steel must amend, as necessary, its fugitive particulate control program so that it is current as required by 35 Ill. Adm. Code 212.312.
 - e. Stein Steel must keep written records and submit reports as required by 35 Ill. Adm. Code 212.316(g).
5. Stein Steel agrees to dismiss a permit appeal filed with the Board and docketed as PCB 02-211 no later than February 21, 2004, which is the 30th day after the date of this order. Stein Steel further agrees to waive the Board's decision deadline in PCB 02-211 until 90 days after the date of this order.
 6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
 5. Stein Steel must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 22, 2004, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board