

ILLINOIS POLLUTION CONTROL BOARD  
May 21, 1998

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 98-127  
) (Enforcement - RCRA)  
HORSEHEAD RESOURCE )  
DEVELOPMENT COMPANY, INC., a )  
Delaware corporation, )  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On April 2, 1998, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a one-count complaint against Horsehead Resource Development Company, Inc. (Horsehead), a Delaware corporation, located at 2701 East 114th Street, Chicago, Cook County, Illinois. The complaint alleges that Horsehead violated Section 21(d)(2) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(d)(2)) and 35 Ill. Adm. Code 809.302(a) by accepting hazardous waste for disposal from a special waste hauler who did not have a valid permit or present a special waste manifest designating the Horsehead facility as the destination for the special waste.

On April 2, 1998, the parties filed a stipulation, settlement agreement, 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 of hearing on April 8, 1998. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and settlement agreement sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Horsehead denies the alleged violation, but agrees to pay a civil penalty of \$7,500.

The Board finds the stipulation and settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects Horsehead's responsibility to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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 Horsehead Resource Development Company, Inc., a Delaware corporation, located at 2701 East 114th Street, Chicago, Cook County, Illinois. The settlement agreement is incorporated by reference as though fully set forth herein.
2. Horsehead shall pay a total sum of \$7,500 within 30 days of the date of this order, on or before June 20, 1998. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois 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  
P.O. Box 19276  
Springfield, Illinois 62794-9276

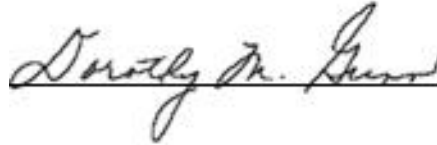
The certified check or money order shall clearly indicate on its face the case name and number, along with Horsehead's federal employer identification number 13-3353902.

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. Horsehead shall cease and desist from the alleged violations.

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 172 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 order was adopted on the 21st day of May 1998 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board