

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

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|----------------------------------|---|---------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 01-161 |
| |) | (Enforcement - Air) |
| WAGNER CASTINGS COMPANY, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

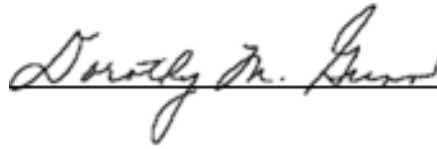
On May 29, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People) filed a four-count complaint against Wagner Castings Company. *See* 415 ILCS 5/31(c)(2) (2000). The People alleged that respondent violated Section 21(e) of the Environmental Protection Act (Act) (415 ILCS 5/21(e) (2000)); and Sections 722.111, 722.120(a), and 728.135(a) of the Board's regulations (35 Ill. Adm. Code 722.111, 722.120(a), 728.135(a)). The People further alleged that respondent employed L&R Container to haul calcium carbide, a hazardous waste, without a manifest to the Macon County landfill, which is not authorized to accept hazardous waste. According to the complainant, Wagner Castings Company consequently violated the above provisions by improperly disposing of hazardous waste from its facility at 1275 E. Sangamon Street, Decatur, Macon County; constructing and operating emission sources and air pollution control equipment without first obtaining permits; and failing to timely obtain such permits from the Illinois Environmental Protection Agency.

On May 24, 2002, the People and Wagner Castings Company 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Wagner Castings Company does not affirmatively admit the alleged violations in the complaint and agrees to pay a civil penalty of \$115,000.

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) (2000); 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 June 6, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board