## ILLINOIS POLLUTION CONTROL BOARD January 18, 2001

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
V.	)	PCB 00-151
	)	(Enforcement – Air)
CLEVELAND STEEL CONTAINER	)	
CORPORATION,	)	
	)	
Respondent.	ý	

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

On November 29, 2000, the complainant filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement in this matter. The complaint alleged that Cleveland Steel Container Corporation (respondent) violated Sections 9(a) and 9(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) (1998)), the Board's regulations found at 35 Ill. Adm. Code 201. 142, 201.143, 212.309, and 218.207(d), and Special Condition 1(a) and 2(a) of respondent's operating permit. According to the stipulation and proposal for settlement, the respondent allegedly: (1) began to construct a catalytic afterburner without first obtaining an Environmental Protection Agency (Agency) construction permit; (2) operated their thermal oxidizer and catalytic afterburner without first obtaining an Agency operating permit; (3) operated such equipment without demonstrating compliance with Board regulations through testing to the Agency; (4) failed to timely stack test the rollcoater and submit a fourth quarter report for the rollcoating line, as required by special conditions of Operating Permit No. 73080242; and (5) failed to timely submit a fugitive dust plan for roadways and parking areas at the site.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Peotone Vadette* on December 6, 2000. The Board has not received any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Although respondent neither admits nor denies the above allegations, it agrees to pay a civil penalty of \$15,750 into the Illinois Environmental Protection Trust Fund within 30 days of the adoption of this order. Respondent must continue 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 settlement agreement executed by the People of the State of Illinois and Cleveland Steel Container Corporation (respondent), concerning its facility located at 117 East Lincoln, Peotone, Will County, Illinois. Respondent operates a metal coating container paint plant, which manufactures steel pails at the above location. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
- 2. Respondent shall pay the sum of \$15,750 within 30 days of this order. Such payment shall be made by certified check or money order, payable to the Illinois Environmental Protection Agency, and designated for deposit into the Environmental Protection Trust Fund. The case number, case name, and the respondent's Federal Employer Identification Number 340934564, must also be included on the certified check or money order, and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
- 3. The check or money order shall be sent by first class mail 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 simultaneously submitted to:

Kendra Pohn Assistant Attorney General Illinois Attorney General's Office Environmental Bureau 188 West Randolph Street, 20th Floor Chicago, Illinois 60601

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

5. Respondent shall cease and desist all future violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date 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 101.520, 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 18th day of January 2001 by a vote of 7-0.

Dorothy Mr. Aun

Dorothy M. Gunn, Clerk Illinois Pollution Control Board