

ILLINOIS POLLUTION CONTROL BOARD
September 23, 1993

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Petitioner,)
)
 v.) PCB 92-67
) (Enforcement)
 ESCAST, INC.,)
)
 Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board on a motion to amend the complaint and amended complaint filed August 31, 1993 by the People of the State of Illinois (People). No response was received from respondent; however respondent filed a status report at a later date as noted below. The People state that on May 7, 1992 they filed a complaint against respondent Escast, Inc. (Escast) for failure to file its annual hazardous waste generator report for years 1989 and 1990. On June 3, 1992, Escast filed a motion to strike that portion of the complaint that alleged violations for failure to file the report for 1989 because Escast did not receive written notification of the violation as required by Section 31(d) of the Act (415 ILCS 5/31(d)). On July 30, 1992, the Board granted Escast's motion.

On August 23, 1993, the People filed a written notification as required by Section 31(d), thereby correcting the defect. The People request the Board to enter an order allowing complainant to amend its complaint so it may allege Escast's failure to timely file its 1989 annual report. The Board grants complainant's motion to amend the complaint, and accepts the amended complaint.

On September 21, 1993, respondent filed a status report noting the factual history surrounding the amended complaint, and further stating that negotiations are continuing with expected completion within the next 30 days. The parties shall file additional status reports no later than November 15, 1993 in the event that this matter has not been settled prior to that time.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of September, 1993, by a vote of 7-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board