

ILLINOIS POLLUTION CONTROL BOARD
August 11, 1994

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	PCB 94-187
v.)	(Enforcement)
)	
HI GRADE ALLOY)	
CORPORATION,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by M. McFawn):

This matter comes before the Board upon a one-count complaint filed June 27, 1994, by Roland W. Burris, Attorney General of the State on Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois against Hi Grade Alloy Corporation (Hi Grade), an Illinois Corporation located at 17425 South Laflin Avenue, East Hazel Crest, Illinois. The complaint alleges that Hi Grade has violated Section 25b-2 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/25b-2), pertaining to toxic chemical release reporting requirements.

On June 27, 1994, the parties to this action filed a Stipulation and Proposal for Settlement, and a request for relief from the requirements of 31(a)(1) that all proposed stipulated settlements be presented at public hearing. (415 ILCS 5/31(a)(1) (1992).) As required by Section 31(a)(2) of the Act, the Board issued an order directing the Clerk of the Board to publish notice of the stipulation, proposal, and request for relief. Accordingly, the Clerk caused publication of the required notice on July 3, 1994. Pursuant to Section 31(a)(2), the notice included a statement that any person could request a hearing within 21 days of receiving notice.

On July 7, 1994, the Board received a request for a public hearing in this matter from Thomas A. Brown, President of the Village of East Hazel Crest (Village). Therefore, on July 21, 1994 the request for relief from the requirements of hearing was denied, and the matter was accepted for hearing.

On July 28, 1994, the Village filed a motion withdrawing its request for hearing. Since no other requests for public hearing have been received, and since the time for requesting a hearing has passed, waiver of hearing is hereby granted.

The Stipulation and Settlement Agreement sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Hi Grade admits the alleged violations

and agrees to pay a civil penalty of \$2,100.00.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects Hi Grade's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control 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 Hi Grade Alloy Corporation, concerning its facility located at 17425 South Laflin Avenue, East Hazel Crest, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Hi Grade Alloy Corporation shall pay the sum of two thousand one hundred dollars (\$2,100.00) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face Hi Grade Alloy Corporation's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

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), 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.

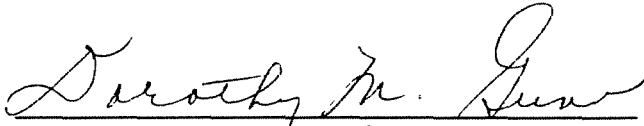
- 3) Hi Grade Alloy Corporation shall cease and desist from the alleged violations.

J. Theodore Meyer concurred.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 17th day of August, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board