

ILLINOIS POLLUTION CONTROL BOARD

July 21, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-139
)	(Enforcement - Land)
DECATUR FOUNDRY, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On February 6, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Decatur Foundry, Inc. The complaint concerns the company's foundry at 1745 North Illinois Street in Decatur, Macon County. The parties now seek to settle without a public hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People have brought a four-count complaint against Decatur Foundry. In count I, the People allege that Decatur Foundry violated the Act and Board hazardous waste regulations by failing to determine if the waste it generated was hazardous waste (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 722.111), failing to properly contain and mark waste accumulations (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 722.134(a)(1), (2), (3)), shipping hazardous waste without proper manifests and annual reports (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 722.120, 722.140, 722.141), and improperly storing and disposing of hazardous waste (415 ILCS 5/21(e) (2004)).

In count II, the People allege that Decatur Foundry violated the Act and Board hazardous waste regulations by failing to analyze waste (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.113(a), (b)), failing to inspect waste areas (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.115(a), (b), (d)), failing to train personnel (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.116), failing to test and maintain equipment (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.133), failing to make emergency arrangements with local authorities (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.137), failing to develop and maintain a contingency plan (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.151, 725.153), failing to provide an on-scene emergency coordinator (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.155), failing to keep an operating record (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.173), failing to submit an annual report

(415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.175), failing to provide a closure plan, a post-closure plan, and a cost estimate and financial assurance for closure (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.212(a), 725.218(a), 725.242(a), 725.243(a)), operating without conducting inspections (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.274), and failing to install two or more liners and a leachate collection and removal system (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 725.401(a)).

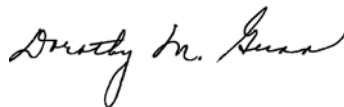
In count III, the People allege that Decatur Foundry violated the Act and Board special waste regulations by disposing of baghouse dust and cupola scrubber waste as non-special waste without first certifying that the waste was not special waste (415 ILCS 5/22.48 (2004); 35 Ill. Adm. Code 808.121(a)). Lastly, in count IV, the People allege that Decatur Foundry violated the Act and Board hazardous waste regulations by operating a hazardous waste facility and storing and disposing of hazardous waste without submitting a Resource Conservation and Recovery Act (RCRA) Part A permit application and without a RCRA permit (415 ILCS 5/21 (2004); 35 Ill. Adm. Code 703.121(a), 703.150).

On July 13, 2005, the People and Decatur Foundry 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Decatur Foundry does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$40,000.

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. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk 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 July 21, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board