

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1996

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-214
) (Enforcement - RCRA)
BRASS FOUNDRY COMPANY, INC., an)
Illinois corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a twelve-count complaint filed April 10, 1996 by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Brass Foundry Company, Inc. (Brass Foundry), an Illinois corporation located at 713 W. Adams Street, Peoria, Peoria County, Illinois. The complaint alleges that Brass Foundry violated Section 21(f) (1) and (2) of the Environmental Protection Act (Act), (415 ILCS 5/21(f)(1) and (2)) and 35 Ill. Adm. Code 721.103, 722.111, 725.113, 725.115(a), (b) and (d), 725.116(a), 725.137, 725.151(a), 725.173, 725.174, 725.212(a), 725.353(a), and 725.354 of the Board's regulations by failing to obtain a hazardous waste determination, operating a hazardous waste storage site without a permit, failure to comply with hazardous waste storage standards, failure to inspect, failure to train personnel, failure to make arrangements with local authorities, failure to maintain a contingency plan, failure to appoint an emergency coordinator, failure to maintain an operating log, failure to maintain required records, failure to maintain a closure plan, and failure to have a cost estimate for closure.

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint motion requesting relief from the Act's hearing requirements on September 6, 1996. The Board published a notice of the waiver on September 24, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on September 6, 1996. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Brass Foundry admits the alleged violations and agrees to pay a civil penalty of \$10,000.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent'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 Brass Foundry Company, Inc., an Illinois corporation located at 713 W. Adams Street, Peoria, Peoria County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Brass Foundry shall pay the sum of \$10,000 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, Brass Foundry's federal employer identification number 36-3638622 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. Brass Foundry shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) 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 opinion and order was adopted on the ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board