ILLINOIS POLLUTION CONTROL BOARD May 18, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCI
)	(RC
ASTEC MOBILE SCREENS, INC., a Nevada)	
corporation,)	
-)	
Respondent.)	

PCB 06-143 (RCRA Enforcement)

ORDER OF THE BOARD (by N.J. Melas):

On March 1, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Astec Mobile Screens, Inc., a Nevada corporation (Astec Mobile). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Astec Mobile's facility where it manufactures portable screening units for the gravel industry located at 2704 West LeFevre Road, Sterling, Whiteside County.

The People allege that Astec Mobile violated Sections 21(f)(1) and 21(f)(2) of the Environmental Protection Act (Act), and Sections 703.121(a), (b), 722.111, 739.122(c)(1), and 808.121(a) of the Board's waste disposal regulations. 415 ILCS 5/21(f)(1), (2)(2004); 35 Ill. Adm. Code 703.121(a), (b), 722.111, 739.122(c)(1), and 808.121(a). The People further allege that Astec Mobile violated these provisions by failing to obtain a Resources Conservation Recovery Act (RCRA) permit for the facility or, alternatively, comply with the hazardous waste generator regulations that would exempt it from permit requirements. The People also allege Astec Mobile failed to meet the applicable waste disposal regulations in disposing of spent spray booth filters, spray booth floor sweepings, and used oil generating from the manufacturing process.

On April 26, 2006, the People and Astec Mobile 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)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Astec Mobile neither admits nor denies the alleged violations, but agrees to pay a civil penalty of \$13,000.

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. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board 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 May 18, 2006, by a vote of 4-0.

Drietly Mr. Sunn

Dorothy M. Gunn, Clerk Illinois Pollution Control Board