

ILLINOIS POLLUTION CONTROL BOARD

July 6, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-143
)	(RCRA Enforcement)
ASTEC MOBILE SCREENS, INC., a Nevada)	
corporation,)	
)	
Respondent.)	

OPINION AND 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Daily Gazette* on May 5, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of

Astec Mobile's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Astec Mobile have satisfied Section 103.302. Under the proposed stipulation, Astec Mobile neither admits nor denies the alleged violations, but agrees to pay a civil penalty of \$13,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Astec Mobile Screens, Inc. (Astec Mobile) must pay a civil penalty of \$13,000 no later than August 5, 2006, which is the 30th day after the date of this order. Astec Mobile must pay the civil penalty by certified check, money order, or electronic funds transfer payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Astec Mobile's social security number or federal employer identification number must be included on the certified check or money order.
3. Astec Mobile must send the certified check, money order, or electronic funds transfer to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter must be sent to:

George D. Theophilos
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601

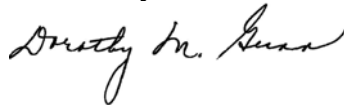
Paul Jagiello
Assistant Counsel
Illinois Environmental Protection Agency
9511 West Harrison
Des Plaines, Illinois 60016

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. Astec Mobile must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 6, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn", written in dark ink.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board