

ILLINOIS POLLUTION CONTROL BOARD

March 17, 2016

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 16-79
	)	(Enforcement - Land)
GBC METALS, LLC d/b/a OLIN BRASS,	)	
a Delaware Corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by J.A. Burke):

On January 20, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against GBC Metals, LLC d/b/a/ Olin Brass (GBC). The complaint concerns disposal of hazardous waste generated by GBC at its property located at 305 Louis and Clark Blvd., in East Alton, Madison County. The parties seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. See 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that GBC violated Section 21(e) of the Act (415 ILCS 21(e) (2014)), and Sections 722.120(a)(1), 722.133, 728.107(a)(2), 728.109(a), 728.134, 808.121((b) and (c), 808.122, and 809.501 of the Board's Solid Waste Landfill Regulations (35 Ill. Adm. Code 722.120(a)(1), 722.133, 728.107(a)(2), 728.109(a), 728.134, 808.121((b) and (c), 808.122, and 809.501). The complaint alleges GBC violated these provisions by: 1) disposing hazardous waste at a facility not permitted to accept hazardous waste; 2) generating and offering a hazardous and special waste for transportation and off-site disposal without properly preparing a manifest; 3) failing to placard or offer the initial transporter the appropriate placards for a container containing hazardous waste and subsequently offering the container for transportation off-site; and 4) failing to send the required one-time notification to the landfill for a shipment of hazardous waste.

On January 20, 2016, simultaneously with the People's complaint, the People and GBC 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Telegraph* on February 7, 2016. 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) (2014); 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. *See* 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 GBC'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) (2014)), which bears on the reasonableness of the circumstances surrounding the alleged violations. GBC neither admits nor denies the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2014)), which may mitigate or aggravate the civil penalty amount. GBC agrees to pay a civil penalty of \$10,500. The People and GBC have satisfied Section 103.302. 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. GBC Metals, LLC d/b/a/ Olin Brass (GBC), must pay a civil penalty of \$10,500 no later than April 18, 2016, which is the first business day following the 30th day after the date of this order. GBC must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the face of the certified check or money order.
3. GBC must submit payment of the civil penalty to:

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

GBC must send a copy of the certified check or money order and any transmittal letter to:

Brian Clappier
Assistant Attorney General
Environmental Bureau, Springfield
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2014)).
5. GBC must cease and desist from future violations of the Act and Board regulations that were the subject matter of the complaint.

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) (2014); *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, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 17, 2016 by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board