ILLINOIS POLLUTION CONTROL BOARD
September 5, 2002

PEOPLE OF THE STATE OF ILLINOIS,   )
)
       Complainant,   )
)
       v.   )   PCB 03-20
)   (Enforcement - Water)
ACME REFINING SCRAP IRON AND   )
METAL COMPANY,   )
)
       Respondent.   )

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

On August 22, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Acme Refining Scrap Iron and Metal Company (Acme). *See* 415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that Acme violated Section 12(a) and 12(f) of the Environmental Protection Act (415 ILCS 12(a) and (f) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002) and Sections 302.203 and 309.102(a) of the Board regulations (35 Ill. Adm. Code 302.203 and 309.102(a)). The People further allege that Acme violated these provisions by causing water pollution from discharge of runoff containing metal shavings into ditches connected to the North Branch of the Chicago River and by failing to obtain a National Pollutant Discharge Elimination System permit for such runoff. The complaint concerns Acme's scrap metal storage facility at 1409 Rockland Road, Lake Bluff, Lake County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Acme fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of a material allegation in the complaint, the Board will consider Acme to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 5, 2002, by a vote of 7-0.
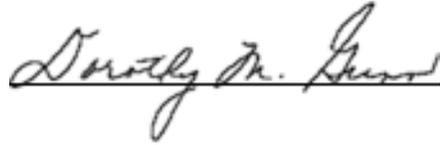
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board