

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2025

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 25-14
) (Enforcement - Air
IMPERIAL ZINC CORP., an Illinois)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by A. Tin):

On September 27, 2024, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Imperial Zinc Corp. (Imperial Zinc). The complaint concerns Imperial Zinc’s secondary zinc processing facility located at 1031 East 103rd Street in Chicago, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Imperial Zinc violated Sections 9(a), 9(b) and 9.12(a) of the Act (415 ILCS 5/9(a), 9(b), 9.12(a) (2022)); Sections 201.142, 201.143, 201.301, 201.302(a), and 254.132(a) of the Board’s air pollution rules (35 Ill. Adm. Code 201.142, 201.143, 201.301, 201.302(a), 254.132(a)); and Conditions 5(a), 5(b), 6, and 7 of its 2001 Facility Lifetime Operating Permit.

The People allege that Imperial Zinc violated these authorities by commencing construction of new emission sources without obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA); operating new emission sources without applying for or obtaining an operating permit from IEPA; failing to pay a construction permit fee to IEPA; failing to timely submit complete and accurate annual emissions reports for calendar years 2009 through 2018; failing to retain records and logs in an accessible location to make them available for inspection by IEPA; constructing, installing, or operating any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution so as to violate permit conditions; causing, threatening, or allowing the discharge or emission of particulate matter so as to violate a Board rule; failing to maintain monthly records of the process rate for throughput; failing to maintain monthly records of natural gas use; and failing to submit timely exceedance reports to IEPA.

On May 12, 2025, the People and Imperial Zinc 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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). Under the proposed stipulation, Imperial Zinc does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$87,500.

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. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board