

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, by LISA)	
MADIGAN, Attorney General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No.
)	(Enforcement-____)
AMSTED RAIL COMPANY, INC.,)	
A Delaware Corporation.)	
)	
Respondent.)	

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

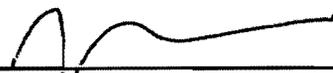
PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board by electronic filing the following Complaint, copies of which are attached and hereby served upon you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

LISA MADIGAN
Attorney General
State of Illinois



JAMIE D. GETZ, AAG

Dated: November 16, 2015

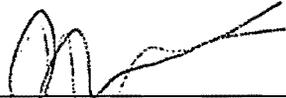
Jamie D. Getz
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-6986

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the date of November 16, 2015 the attached Complaint upon the following Registered Agent, by depositing the document with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601 by the time of 5:00 p.m. with proper postage prepaid:

Amsted Rail Company, Inc.
c/o Michael L. Maher, Esq.
Swanson, Martin & Bell, LLP
330 N. Wabash, 33rd Floor
Chicago, IL 60611



Jamie D. Getz
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-6986

Date: November 16, 2015

4. At all times relevant to this Complaint, Respondent was and is the owner of the property located at 1700 Walnut Street, Granite City, Madison County, Illinois ("Facility"). The property consists of a steel manufacturing foundry and roadways.

A. Respondent's Operations at the Facility.

5. Respondent operates a steel foundry at the Facility wherein scrap steel is melted and poured into molds to create castings.

6. Respondent's operations at the Facility utilize emission units that emit, or have the potential to emit, particulate matter ("PM").

7. Respondent operates a core sand system at the Facility that uses either new sand or recycled sand generated from within the Facility to make cores for the molds ("Core Sand System"). The Core Sand System emits, or has the potential to emit, PM. Baghouses and scrubbers are utilized at the Facility to control PM emissions from the Core Sand System.

8. The Facility uses metal processing equipment at the Facility to melt and refine scrap metal ("Metal Processing Equipment"). The Metal Processing Equipment includes two electric arc furnaces. Each electric arc furnace emits, or has the potential to emit, PM. Baghouses are utilized at the Facility to control PM emissions from the Metal Processing Equipment. Specifically, baghouses control PM emissions from each of the two electric arc furnaces.

9. Molten steel generated by the Metal Processing Equipment is poured from an overhead crane into finished molds in three separate molding floors at the Facility to create castings ("Molding Sand System"). One of the three molding floors operated by Respondent at the Facility is known as molding sand system #6 ("MSS-6"). The Molding Sand System, including the MSS-6, emits, or has the potential to emit, PM. Baghouses are utilized at the

Facility to control PM emissions from the Molding Sand System. Specifically, a baghouse controls PM emissions from the MSS-6.

10. After the castings are poured and allowed to cool and harden, they are separated from the molds on the molding floors. The castings are placed on skids and taken to a skid shakeout/railcar sand handling system ("Shakeout") where mechanical shakeout removes molding sands from the castings. The individual castings are manually placed onto a conveyor and taken to casting knockout ("Knockout") where more aggressive mechanical shaking of the castings removes any further sands.

11. Steel castings created in the Molding Sand System at the Facility are then transported for cleaning and finishing ("Casting/Finishing Operations"). In the Casting/Finishing Operations, Respondent uses three shot blast machines at the Facility to clean the surface of castings, including shot blast machine #5 ("SB-5") and shot blast machine #7 ("SB-7"). The Casting/Finishing Operations also include two tumble blast machines to clean the surface of smaller-sized castings. The Casting/Finishing Operations, including each of the SB-5, SB-7, and the tumble blast machines, emit, or have the potential to emit, PM. Baghouses are utilized at the Facility to control PM emissions from the Casting/Finishing Operations. Specifically, baghouses control PM emissions from each of the SB-5, SB-7 and the tumble blast machines at the Facility.

12. Steel castings designated for painting are transported on skids to a paint booth at the Facility ("Castings Paint Booth"). The Castings Paint Booth emits volatile organic material ("VOM") from the evaporation of the organic material in the coatings during the coating and drying phase processes.

13. Respondent also operates an Isocure core making line to make sand cores that are used in the production of steel castings at the Facility (“Isocure Process”). The Isocure Process emits, or has the potential to emit, PM. PM emissions from the Isocure Process at the Facility are controlled with a packed wet scrubber (“Scrubber AS-2”), which uses a sulfuric acid solution for the scrubbant.

B. Permits Issued by the Illinois EPA to Respondent for Operations at the Facility.

14. On June 19, 2006, the Illinois EPA issued to Respondent Clean Air Act Permit Program (“CAAPP”) permit number 96030102 for the Facility (“CAAPP Permit”). On January 28, 2009, the Illinois EPA issued to Respondent a revised CAAPP Permit. On September 10, 2010, Respondent submitted to the Illinois EPA an application for a renewed CAAPP Permit.

15. On August 7, 2008, the Illinois EPA issued to Respondent permit number 08060024 authorizing the construction of the Casting/Finishing Operations at the Facility, including the tumble blast machines and associated PM control systems (“Construction Permit 08060024”).

16. On October 20, 2006, the Illinois EPA issued to Respondent permit number 06060046 authorizing the construction of modifications to the Isocure Process and associated PM control systems at the Facility (“Construction Permit 06060046”).

17. On September 8, 2009, the Illinois EPA issued to Respondent permit number 09060002 authorizing the construction of used sand screening/recycling operations and associated PM control systems at the Facility (“Construction Permit 09060002”).

C. Illinois EPA Inspections of the Facility.

18. On August 26 and 27, 2008, the Illinois EPA inspected the Facility (“August 2008 Inspection”).

19. At the time of the Illinois EPA's August 2008 Inspection, the Agency observed the physical condition of the Facility and reviewed Respondent's inspection and maintenance records for the Facility. The Agency also reviewed the emission records for emission sources constructed and operated at the Facility.

20. On May 30 and 31, 2012, the Illinois EPA inspected the Facility ("May 2012 Inspection").

21. At the time of the Illinois EPA's May 2012 Inspection, the Agency observed the physical condition of the Facility and reviewed Respondent's inspection and maintenance records for the Facility. The Agency also reviewed the emission records for emission sources constructed and operated at the Facility.

COUNT I

FAILURE TO INSPECT AND MAINTAIN PROCESS EMISSION UNITS

1-9. Complainant realleges and incorporates by reference paragraphs 1 through 6, 8, 18, and 19 of the foregoing section of this Complaint titled "The Parties and Background" as paragraphs 1 through 9 of this Count I.

10. Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2014), defines contaminant as:

"Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

12. PM is a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

13. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), defines person as:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

14. As a Delaware corporation, Respondent is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2014).

15. Sections 212.324(a) and (f)(1-3) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 212.324(a) and (f)(1-3), provide in pertinent part as follows:

Process Emission Units in Certain Areas

a) Applicability.

1) This Section shall apply to any process emission unit located in any of the following areas:

* * *

C) That area bounded by lines from Universal Transmercator (UTM) coordinate 744000mE, 4290000mN, east to 753000mE, 4290000mN, south to 753000mE, 4283000mN, west to 744000mE, 4283000mN, north to 744000mE, 4290000mN, in the vicinity of Granite City in Madison County, as shown in Illustration F of this Part.

* * *

f) Maintenance and Repair. For any process emission unit subject to subsection (a) of this Section, the owner or operator shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in this Section shall be met at all times. This Section shall not affect the applicability of 35 Ill. Adm. Code 201.149. Proper maintenance shall include the following minimum requirements:

- 1) Visual inspections of air pollution control equipment;
- 2) Maintenance of an adequate inventory of spare parts; and
- 3) Expedient repairs, unless the emission unit is shutdown.

16. The electric arc furnaces are process emission units located in the area identified in 35 Ill. Adm. Code 212.324(a)(1)(C).

17. At the time of the Illinois EPA's August 2008 Inspection, the ductwork for baghouses for the electric arc furnaces ("APCE Ductwork") was emitting PM.

18. At the time of the Illinois EPA's August 2008 Inspection, Respondent had failed to inspect and properly maintain the APCE Ductwork.

19. On December 28, 2008, Respondent repaired the APCE Ductwork.

20. From at least August 27, 2008 through December 28, 2008, on dates better known to Respondent, Respondent failed to inspect and properly maintain the APCE Ductwork, in violation of Section 212.324(f)(1-3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f)(1-3).

21. By causing, threatening or allowing the discharge of PM, a contaminant, into the environment in violation of 35 Ill. Adm. Code 212.324(f)(1-3), Respondent thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Section 212.324(f)(1-3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f)(1-3);
3. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Section 212.324(f)(1-3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f)(1-3);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT II

FAILURE TO MAINTAIN AIR POLLUTION EMISSION CONTROL RECORDS

1-19. Complainant realleges and incorporates by reference paragraphs 1 through 11 and 18 and 19 of the foregoing section of this Complaint titled “The Parties and Background” and paragraphs 10 through 15 of Count I as paragraphs 1 through 19 of this Count II.

20. At the time of the Illinois EPA’s August 2008 Inspection of the Facility, Respondent had failed to record all maintenance events conducted pursuant to monthly inspections of baghouses and scrubbers for the Core Sand System, Molding Sand System, Metal Processing Equipment, and Casting/Finishing Operations at the Facility.

21. The Core Sand System, Molding Sand System, Metal Processing Equipment, and Casting/Finishing Operations at the Facility each emits, or has the potential to emit, PM, a contaminant, as defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

22. Section 212.324(g)(1) of the Board Air Pollution Regulations, 35 ILCS 212.324(g)(1), provides as follows:

Recordkeeping of Maintenance and Repair.

- 1) Written records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment shall be kept in accordance with subsection (f) of this Section.

23. Section 3.120 of the Act, 415 ILCS 5/3.120 (2014), provides the following definition:

“Air pollution control equipment” means any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of a specified air contaminants to the atmosphere. Air pollution control equipment includes, but is not limited to, landfill gas recovery facilities.

24. The baghouses and scrubbers that service the Core Sand System, Molding Sand System, Metal Processing Equipment, and Casting/Finishing Operations at the Facility are “air pollution control equipment” as that term is defined in Section 3.120 of the Act, 415 ILCS 5/3.120 (2014).

25. By not recording all maintenance events conducted pursuant to monthly inspections of baghouses and scrubbers for the Core Sand System, Molding Sand System, Metal Processing Equipment, and Casting/Finishing Operations at the Facility, Respondent violated Section 212.324(g)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(g)(1).

26. By causing or threatening or allowing the discharge or emission of PM into the environment so as to violate regulations or standards adopted by the Board under this Act, Respondent has thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Section 212.324(g)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(g)(1);
3. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Section 212.324(g)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(g)(1);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT III

FAILURE TO MAINTAIN EMISSION UNIT RECORDS

1-19. Complainant realleges and incorporates by reference paragraphs 1 through 11 and 18 and 19 of the foregoing section of this Complaint titled "The Parties and Background" and paragraphs 10 through 15 of Count I as paragraphs 1 through 19 of this Count III.

20. Section 212.316(a) and (g) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.316(a) and (g), provides in pertinent part as follows:

Emission Limitations for Emission Units in Certain Areas

- a) Applicability. This Section shall apply to those operations specified in Section 212.302 of this Subpart and that are located in areas defined in Section 212.324(a)(1) of this Part.

* * *

- g) Recordkeeping and Reporting

- 1) The owner or operator of any fugitive particulate matter emission unit subject to this Section shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of this Section and shall submit to the Agency an annual report containing a summary of such information.

- 2) The records required under this subsection shall include at least the following:

* * *

- C) A map or diagram showing the location of all emission units controlled, including the location, identification, length, and width of roadways;

21. Section 212.302 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.302, provides, in pertinent part, as follows:

- a) Sections 212.304 through 212.310 and 212.312 of this Subpart shall apply to all mining operations (SIC major groups 10 through 14), manufacturing operations (SIC major groups 20 through 39 except for those operations subject to Subpart S of this Part (Grain-Handling and Grain-Drying Operations) that are outside the areas defined in Section 212.324(a)(1) of this Part), and electric generating operations (SIC group 491), which are located in the areas defined by the boundaries of the following townships, notwithstanding any political subdivisions contained therein, as the township boundaries were defined on October 1, 1979, in the following counties:

Madison:	Alton, Chouteau, Collinsville, Edwardsville, Fort Russell, Godfrey, Granite City, Nameoki, Venice, Wood River
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- b) In the geographical areas defined in Section 212.324(a)(1) of this Part, Sections 212.304 through 212.310, 212.312, and 212.316 of this Subpart shall apply to all emission units identified in subsection (a) of this Section, and shall further apply to the following operations: grain-handling and grain-drying (Subpart S of this Part), transportation, communications, electric, gas, and sanitary services (SIC major groups 40 through 49). Additionally, Sections 212.304 through 212.310, 212.312, and 212.316 of this Subpart shall apply to wholesale trade-farm supplies (SIC Industry No. 5191) located in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Part.
- c) Emission units must comply with subsection (b) of this Section by May 11, 1993, or upon initial start-up, whichever occurs later.

22. The Facility is a manufacturing operation located within Granite City, Madison County, Illinois, and is therefore an operation specified in Section 212.302 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.302.

23. Respondent's operations are located in an area defined in Section 212.324(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(a).

24. Section 211.4370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, provides as follows:

"Owner or operator" means any person who owns, operates, leases, controls, or supervises a source, an emission unit or air pollution control equipment.

25. Section 211.2490 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.2490, provides as follows:

"Fugitive particulate matter" means any particulate matter emitted into the atmosphere other than through a stack, provided that nothing in this definition or in 35 Ill. Adm. Code 212, Subpart K shall exempt any emission unit from compliance with other provisions of 35 Ill. Adm. Code 212 otherwise applicable merely because of the absence of a stack.

26. Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.1950, provides as follows:

"Emission unit" means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.

27. Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.370, provides as follows:

"Air pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the atmosphere. Such term includes any precursors to the formation of any air pollutant, to the extent that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term "air pollutant" is used.

28. The roadways at the Facility emit, or have the potential to emit, PM, an "air pollutant," as that term is defined in 35 Ill. Adm. Code 211.370.

29. The roadways at the Facility are "fugitive particulate matter emission units," as those terms are defined in 35 Ill. Adm. Code 211.1950 and 211.2490.

30. Respondent is an "owner or operator" of fugitive particulate matter emission units, as that term is defined in 35 Ill. Adm. Code 211.4370.

31. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent failed to maintain records that identify the sweeping of paved roadways at the Facility.

32. By failing to maintain records identifying the sweeping of paved roadways at the Facility, Respondent violated Section 212.316(g)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.316(g)(1).

33. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent's Fugitive Particulate Matter Operating Program did not contain complete and up to date maps showing the location of all emission units controlled, including the location, identification, length, and width of all roadways associated with Respondent's activities for the reclamation of used sand at the Facility.

34. By failing to maintain complete and up to date maps showing the location of all emission units controlled, including the location, identification, length, and width of all roadways associated with Respondent's activities for the reclamation of used sand at the Facility, Respondent violated Section 212.316(g)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.316(g)(2)(C).

35. By causing or threatening or allowing the discharge or emission of PM into the environment so as to violate regulations or standards adopted by the Board under this Act, Respondent has thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Sections 212.324(g)(1) and 212.316(g)(1) and (2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(g)(1) and 212.316(g)(1) and (2)(C);
3. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Sections 212.324(g)(1) and 212.316(g)(1)

and (2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.324(g)(1) and 212.316(g)(1) and (2)(C);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV

VIOLATION OF FUGITIVE PARTICULATE MATTER OPERATING PROGRAM

1-20. Complainant realleges and incorporates by reference paragraphs 1 through 11, 17, 18 and 19 of the foregoing section of this Complaint titled "The Parties and Background," paragraphs 10 through 14 of Count I, and paragraph 24 of Count III as paragraphs 1 through 20 of this Count IV.

21. Section 212.309(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a), provides as follows:

Operating Program

- a) The emission units described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart, and prepared by the owner or operator and submitted to the Agency for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.

22. On May 24, 2001, Respondent submitted a Fugitive Particulate Matter Operating Program for the Facility pursuant to Section 212.309(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a).

23. The Fugitive Particulate Matter Operating Program required Respondent to collect air pollution control dust into super-sak bags for disposal to prevent fugitive PM emissions.

24. Dust from the baghouses that control PM emissions for the Shakeout, Knockout and SB-5 at the Facility ("Baghouse Dust") is collected at screw conveyors connected to the respective baghouses.

25. At the time of the Illinois EPA's August 2008 Inspection of the Facility, the Baghouse Dust was leaking from the screw conveyors.

26. Because the Baghouse Dust was leaking from the screw conveyors that service the baghouses, the measures used to collect and handle dust from the baghouses were not properly maintained, and thereby Respondent failed to maintain the baghouses in a manner consistent with Respondent's Fugitive Particulate Matter Operating Program.

27. By failing to maintain the baghouses utilized for control of the Shakeout, Knockout, and SB-5 in a manner consistent with Respondent's Fugitive Particulate Matter Operating Program for the Facility, Respondent violated Section 212.309(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a).

28. Section 212.312 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.312, provides as follows:

Amendment to Operating Program

The operating program shall be amended from time to time by the owner or operator so that the operating program is current. Such amendments shall be consistent with this Subpart and shall be submitted to the Agency for its review.

29. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent was running the used sand screening/recycling operations at the Facility. A single-deck screen had been constructed and was being operated at the Facility to screen sand from an on-site landfill ("Sand Screen"). The screened sand would then be trucked offsite. The unpaved traffic area leading up and around the Sand Screen had not been watered and the area was generating fugitive PM emissions. Respondent's Fugitive Particulate Matter Operating Program had not been amended to add the traffic areas associated with the Sand Screen and a ball drop operation at the Facility.

30. By not amending the Fugitive Particulate Matter Operating Program for the Facility to contain up to date information on the normal traffic patterns associated with the Sand Screen and the ball drop operation at the Facility, Respondent violated Section 212.312 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.312.

31. By causing or threatening or allowing the discharge or emission of PM into the environment or so as to violate Sections 212.309(a) and 212.312 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a) and 212.312, Respondent has thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Sections 212.309(a) and 212.312 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a) and 212.312;
3. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Sections 212.309(a) and 212.312 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a) and 212.312;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT V

CONSTRUCTING AN EMISSION SOURCE WITHOUT A PERMIT

1-14. Complainant realleges and incorporates by reference paragraphs 1 through 6 and 17 through 19 of the foregoing section of this Complaint titled "The Parties and Background", paragraphs 11 through 14 of Count I, and paragraph 29 of Count IV as paragraphs 1 through 14 of this Count V.

15. Respondent failed to apply for and obtain a construction permit from the Illinois EPA prior to constructing the Sand Screen at the Facility.

16. On September 8, 2009, the Illinois EPA issued to Respondent Construction Permit 09060002 which addressed the prior construction of the Sand Screen at the Facility.

17. Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), provides as follows:

No person shall:

* * *

- (b) Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

15. Section 3.115 of the Act, 415 ILCS 5/3.115 (2014), defines air pollution as:

“Air Pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

16. The Sand Screen emits, or has the potential to emit, PM, a contaminant as defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

17. The Sand Screen at the Facility is capable of causing or contributing to “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2014).

18. By constructing the Sand Screen without a construction permit granted by the Illinois EPA, Respondent violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014).

19. Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides as follows:

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Section 201.146.

20. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, contains the following definitions:

"Air Contaminant": any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source.

"Air Pollution Control Equipment": any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

"Emission Source": any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"New Air Pollution Control Equipment": any air pollution control equipment, the construction or modification of which is commenced on or after April 14, 1972.

"New Emission Source": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Specified air contaminant": any air contaminant as to which this Subtitle contains emissions standards or other specific limitation.

21. The PM discharged during the operation of the Sand Screen is an "air contaminant," as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102 .

22. Subtitle B of 35 Ill. Adm. Code contains emission standards and limitations for PM. Therefore, the Sand Screen is capable of emitting PM, a specified air contaminant, to the atmosphere and constitutes an "emission source," as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

23. Respondent constructed the Sand Screen in 2008, on a date or dates better known to Respondent, thus the Sand Screen constitutes a "new emission source" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

24. On dates better known to Respondent, Respondent constructed a new emission source at the Facility without first obtaining a permit from the Illinois EPA authorizing the

construction of the Sand Screen, and thereby Respondent violated Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142 .

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
3. Ordering the Respondent to cease and desist from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2014) and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT VI

FAILURE TO SUBMIT CONSTRUCTION PERMIT FEE

1-27. Complainant realleges and incorporates by reference paragraphs 1 through 6 and 17 through 19 of the foregoing section of this Complaint titled "The Parties and Background,"

paragraphs 11 through 14 of Count I, paragraph 29 of Count IV, and paragraphs 15 through 27 of Count V as paragraphs 1 through 27 of this Count V.

28. Section 9.12(a) of the Act, 415 ILCS 5/9.12(a) (2014), provides as follows:

(a) An applicant for a new or revised air pollution construction permit shall pay a fee, as established in this Section, to the Agency at the time he or she submits the application for a construction permit. Except as set forth below, the fee for each activity or category listed in this Section is separate and is cumulative with any other applicable fee listed in this Section.

29. Respondent did not pay a fee for a construction permit authorizing construction of the Sand Screen at the time Respondent was required to submit an application for a construction permit.

30. By not timely paying a fee for a construction permit authorizing construction of the Sand Screen at the Facility, Respondent violated Section 9.12(a) of the Act, 415 ILCS 5/9.12(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9.12(a) of the Act, 415 ILCS 5/9.12(a) (2014);
3. Ordering the Respondent to cease and desist from any further violations of Section 9.1(a) of the Act, 415 ILCS 5/9.12(a) (2014);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT VII

VIOLATION OF CONDITIONS IN CONSTRUCTION PERMIT 06060046

1-28. Complainant realleges and incorporates by reference paragraphs 1 through 11, 13, 16, and 18 through 21 of the foregoing section of this Complaint titled "The Parties and Background," paragraphs 11 through 14 of Count I, paragraphs 20, 21, 23, and 24 of Count II, and paragraphs 17, 18 and 23 of Count VI, as paragraphs 1 through 28 of this Count VII.

29. At the time of the Illinois EPA May 2012 Inspection of the Facility, Respondent had failed to maintain written records of repairs for all baghouses and scrubbers used in the Isocure Process, the operation of the tumble blast machines, the Core Sand System, the Molding Sand System, and the Metal Processing Equipment at the Facility.

30. The Isocure Process at the Facility emits, or has the potential to emit, PM into the environment.

A. August 2008 Inspection

31. Permit condition 1.9(d) of Construction Permit 06060046 provides as follows:

Recordkeeping Requirements

The Permittee shall maintain records of the following items for the affected unit:

* * *

- d. Records of inspection, maintenance, and repair activities, that include as a minimum:
 - i. Date of inspection, maintenance, and repair activities.
 - ii. Description of maintenance or repair activity if not routine preventative maintenance.
 - iii. Reason for maintenance or repair activity if not routine or preventative.

32. By not maintaining records of all maintenance events conducted on the baghouses and scrubbers for the Core Sand System, Molding Sand System, Metal Processing Equipment, and the Casting/Finishing Operations, Respondent violated permit condition 1.9(d) of Construction Permit 06060046.

33. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent was operating Scrubber AS-2 to control emissions from the Isocure Process at the Facility.

34. Permit condition 1.8 of Construction Permit 06060046 provides as follows:

Monitoring Requirements

The Permittee shall monitor the scrubbant flow rate of the scrubber (AS-2).

35. At the time of the Illinois EPA's August 2008 Inspection, Respondent had failed to install a scrubbant flow measurement device in order to monitor the scrubbant flow rate for Scrubber AS-2.

36. On November 28, 2008, Respondent installed a scrubbant flow measurement device in order to monitor the scrubbant flow rate for Scrubber AS-2 at the Facility.

37. From October 20, 2006, the date that the Illinois EPA issued Construction Permit 06060046, through November 28, 2008, Respondent failed to monitor the scrubbant flow rate of Scrubber AS-2.

38. By failing to monitor the scrubbant flow rate of Scrubber AS-2, Respondent violated permit condition 1.8 of Construction Permit 06060046.

39. Permit condition 1.9(e)(i) and (ii) of Construction Permit 06060046 provides as follows:

Recordkeeping Requirements:

The Permittee shall maintain records of the following items for the affected unit:

* * *

- e. Records for the scrubber (AS-2) that include at a minimum:
 - i. Manufacture/vendor or Permittee developed operating and maintenance procedures for the scrubber.
 - ii. An operating log, including system settings and additional/changes to the scrubbant.

40. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent's records did not include written operating and maintenance procedures for Scrubber AS-2.

41. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent's records did include written operating and maintenance procedures for Scrubber AS-2.

42. From October 20, 2006, through a date better known to Respondent, Respondent failed to develop and maintain written operating and maintenance procedures for Scrubber AS-2, and thereby Respondent violated permit condition 1.9(e)(i) of Construction Permit 06060046.

43. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent's records did not include an operating log for Scrubber AS-2.

44. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent's records included an operating log Scrubber AS-2.

45. From October 20, 2006, through a date better known to Respondent, Respondent failed to maintain an operating log for Scrubber AS-2, and thereby Respondent violated permit condition 1.9(e)(ii) of Construction Permit 06060046.

B. May 2012 Inspection

46. Permit condition 1.1.9(d) of Construction Permit 06060046 provides as follows:

Recordkeeping Requirements

The Permittee shall maintain records of the following items for the affected unit:

* * *

- d. Records of inspection, maintenance, and repair activities, that include as a minimum:
 - i. Date of inspection, maintenance, and repair activities.
 - ii. Description of maintenance of repair activity if not routine preventative maintenance.
 - iii. Reason for maintenance or repair if not routine or preventative.

47. By failing to maintain written records of all repairs for the scrubber equipment used in the Isocure Process at the Facility, Respondent violated permit condition 1.1.9(d) of Construction Permit 06060046.

48. PM discharged during the operation of the Isocure Process is an "air contaminant" and a "specified air contaminant" as those terms are defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

49. The scrubber equipment at the Facility is designed to control the emission of PM from the Isocure Process at the Facility.

50. The scrubber equipment is “air pollution control equipment,” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102 (2014).

51. On dates better known to Respondent, Respondent violated permit conditions 1.8, 1.9(d), 1.1.9(d), 1.9(e)(i), and 1.9(e)(ii) of Construction Permit 06060046.

52. By constructing or operating equipment designed to prevent air pollution in violation of the permit conditions set forth in paragraph 51, above, Respondent has thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), and conditions 1.8, 1.9(d), 1.1.9(d), 1.9(e)(i), and 1.9(e)(ii) of Construction Permit 06060046;
3. Ordering the Respondent to cease and desist from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), and conditions 1.8, 1.9(d), 1.1.9(d), 1.9(e)(i), and 1.9(e)(ii) of Construction Permit 06060046;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT VIII

VIOLATION OF CONDITIONS IN CONSTRUCTION PERMIT 08060024

1-28. Complainant realleges and incorporates by reference paragraphs 1 through 11, 15, and 18 through 21 of the foregoing section of this Complaint titled “The Parties and Background,” paragraphs 11 through 14 of Count I, paragraphs 20, 21, 23, and 24 of Count II, paragraphs 17, 18, and 23 of Count V, and paragraph 29 of Count VII as paragraphs 1 through 28 of this Count VIII.

29. The tumble blast machines at the Facility each emits, or has the potential to emit, PM into the environment.

30. The baghouses servicing the tumble blast machines at the Facility are “air pollution control equipment” as that term is defined in Section 3.120 of the Act.

31. Permit condition 9(b)(i) of Construction Permit 08060024 provides as follows:

Record Keeping Requirements

* * *

- b. Pursuant to 35 IAC 212.324(f), the Permittee shall maintain records of the following items for the affected tumble blast related to operation and written maintenance and repair of this unit.
 - i. Records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment shall be kept in accordance with Condition 8.

32. By failing to maintain written records of all repairs for all the baghouses servicing the tumble blast machines at the Facility, Respondent violated permit condition 9(b)(i) of Construction Permit 08060024.

33. On dates better known to Respondent, Respondent violated permit condition 9(b)(i) of Construction Permit 08060024.

34. By constructing or operating equipment designed to prevent air pollution in violation of permit condition 9(b)(i) in Respondent's Construction Permit 08060024, Respondent has thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), and condition 9(b)(i) of Construction Permit 08060024;
3. Ordering the Respondent to cease and desist from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), and condition 9(b)(i) of Construction Permit 08060024;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IX

VIOLATION OF CONDITIONS IN CONSTRUCTION PERMIT 09060002

1-28. Complainant realleges and incorporates by reference paragraphs 1 through 7 and 17 through 21 of the foregoing section of this Complaint titled "The Parties and Background," paragraphs 11 through 14 of Count I, paragraphs 21, 22, 28, and 29 of Count IV, and paragraphs 16 through 20 and 23 through 25 of Count V, as paragraphs 1 through 28 of this Count IX.

29. Permit condition 1.3(a) and (c) of Construction permit 09060002 provides in pertinent part as follows:

Applicability Provisions and Applicable Regulations

- a. For the purpose of this permit, the affected units are the screening equipment and associated activities for used sand screening/recycling, as generally described above.

* * *

- c. Fugitive emissions of PM from the affected units are also subject to the following requirements pursuant to 35 IAC 212.316:

* * *

- ii. The affected units shall be operated under the provisions of an operating program prepared by the Permittee and submitted to the Illinois EPA for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions and facilitate compliance with 35 IAC 212.304 through 212.308 and 212.310. [35 IAC 212.309(a)].

30. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent was operating the used sand screening/recycling operation at the Facility.

31. The used sand screening/recycling operation at the Facility emits, or has the potential to emit, PM.

32. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent's Fugitive Particulate Matter Operating Program for the Facility had not been revised to include the used sand screening/recycling operations.

33. By failing to revise its Fugitive Particulate Matter Operating Program for the Facility to include the used sand screening/recycling operations, Respondent violated permit condition 1.3(c)(ii) of Construction Permit 09060002.

34. Permit condition 1.7(a) of Construction Permit 09060002 provides as follows:

Recordkeeping Requirements

- a. The Permittee shall maintain records of the following items for the affected units:
 - i. Amount of used sand processed by each screening system (tons/month and tons/year).

35. At the time of the May 2012 Inspection of the Facility, Respondent failed to maintain records documenting the amount of sand processed monthly by each screening system in the used sand screen/recycling operations.

36. By failing to maintain records documenting the amount of sand processed monthly by each screening system in the used sand screen/recycling operations, Respondent violated permit condition 1.7(a) of Construction Permit 09060002.

37. Permit condition 1.7(b)(ii) of Construction Permit 09060002 provides as follows:

Recordkeeping Requirements

* * *

- b. The Permittee shall maintain the following records related to emissions for the affected units and associated activities:

* * *

- ii. The PM emissions of the mold sand screening operation, the core sand screening operation, and the associated activities (tons/month and tons/year), with supporting calculations.

38. Permit condition 1.7(c) of Construction Permit 09060002 provides as follows:

Recordkeeping Requirements

* * *

- c. These records shall be retained at a readily accessible location at the source for at least three years and shall be available for inspection and copying by the Illinois EPA upon request.

39. By failing to maintain records documenting the amount of sand processed monthly by each screening system in the used sand screening/recycling operations at the Facility, Respondent did not maintain accurate records of the PM emissions for the used sand screening/recycling operations in the calendar year 2011.

40. By failing to maintain accurate records of its PM emissions in the calendar year 2011 for the used sand screening/recycling operations, Respondent violated permit condition 1.7(b)(ii) of Construction Permit 09060002.

41. By failing to ensure that accurate records of its PM emissions in the calendar year 2011 for the used sand screening/recycling operations were available for inspection for three years, Respondent violated permit condition 1.7(c) of Construction Permit 09060002.

42. By constructing or operating equipment capable of causing or contributing to air pollution in violation of permit conditions 1.7(a), 1.7(b)(ii), and 1.7(c) in Construction Permit 09060002, Respondent has thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), and conditions 1.3, 1.7(a), 1.7(b)(ii), and 1.7(c) of Construction Permit 09060002;
3. Ordering the Respondent to cease and desist from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2014), and conditions 1.3, 1.7(a), 1.7(b)(ii), and 1.7(c) of Construction Permit 09060002;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT X

CAAPP PERMIT EMISSION LIMITATION VIOLATIONS

1-16. Complainant realleges and incorporates by reference paragraphs 1 through 11, 14, 18 and 19 of the foregoing section of this Complaint titled "The Parties and Background" and paragraphs 13 and 14 of Count I as paragraphs 1 through 16 of this Count X.

17. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2014), provides as follows:
Prohibitions.

- a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph(m) of subsection 7 of this Section.

18. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2014), provides in pertinent part the following definitions:

“CAAPP” means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

“CAAPP Permit” or “permit” (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

“CAAPP source” means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

“Major Source” means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph 2(c) of this Section.

“Owner or operator” means any person who owns, leases, operates, controls, or supervises a stationary source.

“Potential to emit” means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term “capacity factor” as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

“Regulated Air Pollutant” means the following:

* * *

2. Any pollutant for which a national air quality standard has been promulgated.

“Source” means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) belonging to a single major industrial grouping.

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

19. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2014), provides in pertinent part as follows:

2. Applicability.

- a. Sources subject to this Section shall include:

- i. Any major source as defined in paragraph (c) of this subsection.

* * *

- c. For purposes of this Section the term “major source” means any source that is:

* * *

- ii. A major stationary source of air pollutants as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA). ...

20. The MSS-6 and the SB-7 at the Facility emit, or have the potential to emit, PM, a “regulated air pollutant,” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2014).

21. The Facility emits “regulated air pollutants.” Therefore, the Facility is a “stationary source” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2014).

22. From at least 1996 through the date of filing of this Complaint, the Facility has had a potential to emit PM greater than 100 tons per year.

23. From at least 1996 through the date of filing of this Complaint, the Facility has been and is a major source under Section 39.5(2)(c)(ii) of the Act, 415 ILCS 5/39.5(c)(ii) (2014).

24. Respondent operates a major source and is an “owner and operator,” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2014).

25. At the time of the Illinois EPA’s August 2008 Inspection, the Illinois EPA reviewed the records of PM emissions for the MSS-6 at the Facility.

26. From August 2007 to July 2008, the PM emissions for the MSS-6 were 1.32 tons.

27. During the August 2008 Inspection, the Illinois EPA reviewed the records of PM emissions for the SB-7 at the Facility.

28. From August 2007 to July 2008, the PM emissions for the SB-7 were 13.6 tons.

29. Permit condition 7.2.6(a) of the CAAPP Permit provides in pertinent part as follows:

Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected molding sand system equipment is subject to the following:

- a. Emissions from the molding floors and mold spraying shall not exceed the following limits:

Emissions			
<u>Equipment</u>	<u>Pollutant</u>	<u>(Ton/Month)</u>	<u>(Ton/Year)</u>

MSS-6 PM 0.5 0.5

* * *

These limits are based on the maximum controlled emission rates and maximum hours of operation.

Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

* * *

30. Permit condition 7.4.6(a) of the CAAPP Permit provides in pertinent part as follows:

Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected blasting operations are subject to the following:

b. Emissions from the No. 7 Shot Blast Machine and No. 1 Tumble Blast Machine shall not exceed the following limits:

Emissions			
<u>Equipment</u>	<u>Pollutant</u>	<u>(Ton/Month)</u>	<u>(Ton/Year)</u>
SB-7	PM	1.86	2.5

* * *

These limits are based on the maximum controlled emission rates and maximum hours of operation from No. 7 Shot Blast Machine and negligible emission rates from No. 1 Tumble Blast Machine.

Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

* * *

31. From at least the 12-month period ending in December 2007 through the date of filing of this Complaint, the operation of the MSS-6 at the Facility caused the emission of PM in excess of 0.5 tons per year on a running 12-month total.

32. By operating the MSS-6 and causing the emission of PM in excess of 0.5 tons per year on a running 12-month total, Respondent violated permit condition 7.2.6(a) in the CAAPP Permit.

33. From at least 12-month period ending in December 2007 through the date of filing of this Complaint, the operation of SB-7 caused the emission of PM in excess of 2.5 tons per year on a running 12-month total.

34. By operating the SB-7 and causing the emission of PM in excess of 2.5 tons per year on a running 12-month total, Respondent violated permit condition 7.4.6(a) in the CAAPP Permit.

35. By causing or allowing the emission of PM into the environment in violation of permit conditions 7.2.6(a) and 7.4.6(a) in the CAAPP Permit, Respondent thereby also violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2014), and permit conditions 7.2.6(a) and 7.4.6(a) of the CAAPP permit;

3. Ordering the Respondent to cease and desist from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2014), and permit conditions 7.2.6(a) and 7.4.6(a) of the CAAPP permit;

4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2014);

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT XI

VIOLATION OF CONDITIONS OF THE CAAPP PERMIT

1-53. Complainant realleges and incorporates by reference paragraphs 1 through 14, and 18 through 21 of the foregoing section of this Complaint titled “The Parties and Background,” paragraphs 13 and 14 of Count I, paragraphs 20, 21, 23, 24, 30 through 37, and 39 of Count II, paragraphs 21, 22, 28, and 29 of Count IV, paragraphs 19 through 21 of Count V, paragraphs 29, 30 and 48 of Count VII, paragraph 29 of Count VIII, paragraph 31 of Count IX, and paragraphs 17 through 19 and 21 through 24 of Count X as paragraphs 1 through 53 of this Count XI.

A. August 2008 Inspection.

54. The electric arc furnaces at the Facility emit, or have the potential to emit, PM, a “regulated air pollutant,” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2014).

55. Permit condition 5.4.1(a-c) of the CAAPP Permit provides as follows:

For any process emission unit subject to Condition 5.2.2(c), the owner or operator shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in 35 IAC 212.324 and 212.548 shall be met at all times. Proper maintenance shall include the following minimum requirements [35 IAC 212.324(f)]:

- a. Visual inspection of air pollution control equipment;
- b. Maintenance of an adequate inventory of spare parts; and
- c. Expedient repairs, unless the emission unit is shutdown.

56. Permit Condition 5.2.2(c) of the CAAPP Permit provides in pertinent part as follows:

In addition, emission units at this source are subject to the following regulations of general applicability:

* * *

- c. PM emission limits for process emission units located in Granite City:

* * *

57. The electric arc furnaces at the Facility are process emission units located in Granite City, Illinois, and therefore are subject to permit condition 5.2.2(c) of the CAAPP Permit.

58. From at least August 26, 2008, through December 28, 2008, on dates better known to Respondent, Respondent failed to properly maintain the air pollution control equipment for the electric arc furnaces at the Facility in violation of permit condition 5.4.1(a-c) of the CAAPP Permit.

59. Permit condition 5.6.2(a) of the CAAPP Permit provides as follows:

General Records for Fugitive Control, Maintenance, and Repair

The Permittee shall maintain records of the following items for the source to demonstrate compliance with Condition 5.2.2(c):

- a. Written records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment shall be kept in accordance with Condition 5.4.1 [35 IAC 212.324(g)(1)].

60. By not recording all maintenance events conducted pursuant to monthly inspections of baghouses and scrubbers for the for the Core Sand System, Molding Sand System, Metal Processing Equipment, and Casting/Finishing Operations at the Facility, Respondent violated permit condition 5.6.2(a) of the CAAPP Permit.

- 61. Permit condition 7.1.9(d) of the CAAPP Permit provides as follows:

Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected core sand system equipment to demonstrate compliance with Conditions 5.5.1, 7.1.3, 7.1.5, and 7.1.6, pursuant to Section 39.5(7)(b) of the Act:

* * *

- d. Records of inspection, maintenance, and repair activities for all equipment shall be kept on site and shall include as a minimum:
 - i. Date of inspection, maintenance, and repair activities.
 - ii. Description of maintenance or repair activity if not routine preventative maintenance.
 - iii. Reason for maintenance or repair if not routine or preventative.

62. By not recording all maintenance events conducted pursuant to monthly inspections of baghouses and scrubbers for the Core Sand System at the Facility, Respondent violated permit condition 7.1.9(d) of the CAAPP Permit.

- 63. Permit condition 7.2.9(d) of the CAAPP Permit provides as follows:

Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected molding sand system equipment to

demonstrate compliance with Conditions 5.5.1, 7.1.3, 7.1.5, and 7.1.6, pursuant to Section 39.5(7)(b) of the Act:

* * *

- d. Records of inspection, maintenance, and repair activities for all equipment shall be kept on site and shall include as a minimum:
 - i. Date of inspection, maintenance, and repair activities.
 - ii. Description of maintenance or repair activity if not routine preventative maintenance.
 - iii. Reason for maintenance or repair if not routine or preventative.

64. By not recording all maintenance events conducted pursuant to monthly inspections of baghouses for the Molding Sand System at the Facility, Respondent violated permit condition 7.2.9(d) of the CAAPP Permit.

65. Permit condition 7.3.9(c) of the CAAPP Permit provides as follows:

Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected metal processing equipment to demonstrate compliance with Conditions 5.5.1, 7.1.3, 7.1.5, and 7.1.6, pursuant to Section 39.5(7)(b) of the Act:

* * *

- c. Records of inspection, maintenance, and repair activities for all equipment shall be kept on site and shall include as a minimum:
 - i. Date of inspection, maintenance, and repair activities.
 - ii. Description of maintenance or repair activity if not routine preventative maintenance.
 - iii. Reason for maintenance or repair if not routine or preventative.

66. By not recording all maintenance events conducted pursuant to monthly inspections of baghouses for the Metal Processing Equipment at the Facility, Respondent violated permit condition 7.3.9(c) of the CAAPP Permit.

67. Permit condition 7.4.9(c) of the CAAPP Permit provides as follows:

Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected blasting operations to demonstrate compliance with Conditions 5.5.1, 7.1.3, 7.1.5, and 7.1.6, pursuant to Section 39.5(7)(b) of the Act:

* * *

- c. Records of inspection, maintenance, and repair activities for all equipment shall be kept on site and shall include as a minimum:
 - i. Date of inspection, maintenance, and repair activities.
 - iii. Description of maintenance or repair activity if not routine preventative maintenance.
 - iv. Reason for maintenance or repair if not routine or preventative.

68. The Casting/Finishing Operations at the Facility include blasting operations to clean and finish the castings.

69. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent had failed to record all maintenance events conducted pursuant to monthly inspections of baghouses for the blasting operations at the Facility.

70. By not recording all maintenance events conducted pursuant to monthly inspections of baghouses for the blasting operations at the Facility, Respondent violated permit condition 7.4.9(c) of the CAAPP Permit.

71. Permit condition 5.2.3(a) of the CAAPP Permit provides as follows:

Fugitive Particulate Matter Operating Program

- a. This source shall be operated under the provisions of an operating program prepared by the Permittee and submitted to the Illinois EPA for its review. Such operating program shall be designated to significantly reduce fugitive particulate matter emissions [35 IAC 212.309(a)].

72. By not maintaining the baghouses in a manner consistent with Respondent's Fugitive Particulate Matter Operating Program, Respondent violated permit condition 5.2.3(a) of the CAAPP Permit.

- 73. Permit condition 5.2.3(c) of the CAAPP Permit provides as follows:

Fugitive Particulate Matter Operating Program

* * *

- c. All normal traffic pattern roads and parking facilities located at this source shall be paved or treated with water, oils, or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils, or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program [35 IAC 212.306].

74. By not amending the Fugitive Particulate Matter Operating Program for the Facility to contain up to date information on the normal traffic patterns associated with the Sand Screen and ball drop operation at the Facility, Respondent violated permit condition 5.2.3(c) of the CAAPP Permit.

- 75. Permit condition 5.6.2(d) of the CAAPP Permit provides as follows:

General Records for Fugitive Control, Maintenance, and Repair

The Permittee shall maintain records of the following items for the source to demonstrate compliance with Condition 5.2.2(c):

* * *

- d. The owner or operator of any fugitive particulate matter emission unit subject to Condition 5.2.2(c) (i) or (ii) shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of Condition 5.2.2(c) (i) or (ii). These records shall include at least the following [35 IAC 212.316(g) (1) and (2)].

- i. The name and address of the source;
- ii. The name and address of the owner and/or operator of the source;
- iii. A map or diagram showing the location of all emission units controlled, including the location, identification, length, and width of the roadways;
- iv. For each application of water or chemical solution to roadways by truck: the name and location of the roadway controlled, application rate of each truck, frequency of each application, width of each application, identification of each truck used, total quantity of water or chemical used for each application and, for each application of chemical solution, the concentration and identity of the chemical;
- v. For application of physical or chemical control agents: the name of the agent, application rate and frequency, and total quantity of agent, and, if diluted, percent of concentration, used each day; and
- vi. A log recording incidents when control measures were not used and a statement of explanation.

76. By not maintaining records identifying the sweeping of paved roadways at the Facility, Respondent violated permit condition 5.6.2(d) of the CAAPP Permit.

77. By failing to maintain complete and up to date maps showing the location of all emission units controlled, including the location, identification, length, and width of all roadways associated with Respondent's activities for the reclamation of used sand at the Facility, Respondent violated permit condition 5.6.2(d)(iii) of the CAAPP Permit.

78. Permit condition 5.6.3(b) of the CAAPP Permit provides as follows:

Records for VOM and HAP Emissions

The Permittee shall maintain records of the following items for the source to verify that the source is not a major source of HAP emissions and therefore not subject to 40 C.F.R. Part 63, Subpart M, and to quantify annual VOM emissions, so as to demonstrate compliance with the annual emission limits in Condition 5.5:

* * *

- b. Aggregate monthly HAP emissions from emission units included in Sections 3 and 7 of this permit, calculated as a fraction of VOM emissions according to vapor weight percent. HAP emissions from insignificant emission units listed in Section 3 are only required if the emission unit is subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) or maximum achievable control technology (MACT).

79. Permit condition 2.0 of the CAAPP Permit defines the terms “HAP” and VOM”

as:

HAP	Hazardous Air Pollutant
-----	-------------------------

VOM	Volatile Organic Material
-----	---------------------------

80. At the time of the Illinois EPA’s August 2008 Inspection of the Facility, Respondent failed to maintain records of the aggregate monthly emissions of Hazardous Air Pollutants (“HAPs”) from all the emission units in the Core Sand System, Molding Sand System, Metal Processing Equipment, Casting/Finishing Operations, Casting Paint Booth, and heat tracing furnaces at the Facility.

81. By not maintaining records of the aggregate monthly emissions of HAPs from all the emission units in the Core Sand System, Molding Sand System, Metal Processing Equipment, Casting/Finishing Operations, Casting Paint Booth, and heat tracing furnaces at the Facility, Respondent violated permit condition 5.6.3(b) of the CAAPP Permit.

82. Permit condition 7.5.7(a) of the CAAPP Permit provides as follows:

Testing Requirements

Testing for VOM content of coatings and other materials shall be performed as follows [35 IAC 219.105(a), 219.211(a), and Section 39.5(7)(b) of the Act]:

- a. On an annual basis, the VOM content of specific coatings and cleaning solvents used in each affected paint booth shall be determined according to

USEPA Reference Method 24 or 24A of 40 C.F.R. 60, Appendix A, and the procedures of 35 IAC 219.105(a) and 219.211(a).

83. At the time of the Illinois EPA's August 2008 Inspection of the Facility, Respondent had not performed annual VOM content testing of the coating(s) used in the Casting Paint Booth since the end of calendar year 2006.

84. By not performing annual VOM content testing of the coating(s) used in the Casting Paint Booth, Respondent violated permit condition 7.5.7(a) of the CAAPP Permit.

85. Permit condition 5.7.4 of the CAAPP Permit provides as follows:

Annual Reporting for HAP Emissions

The Permittee shall submit an annual report to the Illinois EPA, Compliance Section, on HAP emissions from the source, including the information recorded Condition 5.6.3(b). This may be included in the annual report required pursuant to Condition 9.7.

86. Respondent failed to submit to the Illinois EPA annual reports for HAP emissions from the Facility for the calendar years 2006, 2007, and 2008.

87. By not submitting to the Illinois EPA annual reports for HAP emissions from the Facility for the calendar years 2006, 2007, and 2008, Respondent violated permit condition 5.7.4 of the CAAPP Permit.

B. May 2012 Inspection.

88. At the time of the Illinois EPA May 2012 Inspection of the Facility, Respondent had failed to maintain written records of repairs for all baghouses and scrubbers used in the Isocure Process, the operation of the tumble blast machines, the Core Sand System, the Molding Sand System, and the Metal Processing Equipment at the Facility.

89. The Isocure Process at the Facility emits, or has the potential to emit, PM into the environment.

90. The scrubber servicing the Isocure Process at the Facility is “air pollution control equipment” as that term is defined in Section 3.120 of the Act, 415 ILCS 5/3.120 (2014).

91. The tumble blast machines at the Facility each emits, or has the potential to emit, PM into the environment.

92. The baghouses servicing the tumble blast machines at the Facility are “air pollution control equipment” as that term is defined in Section 3.120 of the Act, 415 ILCS 5/3.120 (2014).

93. By failing to maintain written records of all repairs for all the air pollution control equipment at the Facility, respondent violated permit condition 5.6.2(a) of the CAAPP Permit.

94. By failing to maintain written records of all repairs for all the air pollution control equipment used in the Core Sand System at the Facility, Respondent violated permit condition 7.1.9(d) of the CAAPP Permit.

95. By failing to maintain written records of all repairs for all the air pollution control equipment used in the Molding Sand System at the Facility, Respondent violated permit condition 7.2.9(d) of the CAAPP Permit.

96. By failing to maintain written records of all repairs for all the air pollution control equipment servicing the Metal Processing Equipment at the Facility, Respondent violated permit condition 7.3.9(c) of the CAAPP Permit.

97. By not maintaining written records of all repairs for all the air pollution control equipment servicing the tumble blast machines at the Facility, Respondent failed to maintain written records of all repairs for all the air pollution control equipment used in the Facility’s blasting operations, and thereby Respondent also violated permit condition 7.4.9(c) of the CAAPP Permit.

98. During the Illinois EPA's May 2012 Inspection, the Agency reviewed Respondent's Fugitive Particulate Matter Operating Program and Respondent's reports and records regarding the sweeping and watering of the roadways at the Facility to control fugitive PM emissions.

99. Respondent's Fugitive Particulate Matter Operating Program for the Facility requires Respondent to accurately document all roadway sweeping and watering activity and the dates each roadway at the Facility is swept and watered.

100. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent's Foundry Roadway Water Log failed to identify all roadway watering activity and failed to identify when each roadway was watered.

101. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent's records mislabeled Road Section F at the Facility as the Plant-wide Water Distribution Log. Road Section F was also incomplete, illegible, and indicated that insufficient amounts of water had been applied.

102. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent's Contractor Sweeping Log failed to indicate the proper times at which sweeping for each of the areas identified as Roads A, B, and E had occurred and the required sweeping frequency for February 2012 had not been performed.

103. By not accurately documenting all roadway sweeping and watering activity and the dates each roadway was swept and watered, Respondent violated permit conditions 5.2.3(a) and (c) of the CAAPP Permit.

104. During the Illinois EPA's May 2012 Inspection of the Facility, the Agency reviewed Respondent's records regarding sweeping and watering of roadways at the Facility to

control PM emissions. At that time, Respondent's records did not record all the days when sweeping or watering control measures were not performed on the roadways.

105. Respondent's roadway sweeping and watering records did not include statements of explanation as to why the records did not identify all the days when sweeping or watering control measures were not performed.

106. By failing to record the days when sweeping and/or watering control measures were not performed and preparing a statement of explanation, Respondent violated permit condition 5.6.2(d)(vi) of the CAAPP Permit.

107. Permit condition 5.7.3(c) of the CAAPP Permit provides as follows:

General Reporting for Fugitive Control, Maintenance, and Repair

* * *

- c. The owner or operator of any fugitive particulate matter emission unit subject to Condition 5.2.2(c) (i) or (ii) shall submit to the Illinois EPA an annual report containing a summary of the information listed in Condition 5.6.2(d) [35 IAC 212.316(g)(1)].

108. By failing to submit annual reports containing the written records of the application of control measures as needed for compliance with opacity limitations at the Facility, Respondent violated permit condition 5.7.3(c) of the CAAPP Permit.

109. Section 5.2.6(a) of the CAAPP Permit provides as follows:

- a. Should this stationary source become subject to a regulation under 40 C.F.R. Parts 60, 61, or 63, or 35 IAC after the date issued of this permit, then the owner or operator shall, in accordance with the applicable regulation(s), comply with the applicable requirements by the date(s) specified and shall certify compliance with the applicable requirements of such regulation(s) as part of the annual compliance certification, as required by 40 C.F.R. Part 70 or 71.

110. Section 9.8(a) of the CAAPP Permit provides as follows:

Requirements for Compliance Certification

Pursuant to Section 39.5(7) (p) (v) of the Act, the Permittee shall submit annual compliance certifications. The compliance certification shall be submitted no later than May 1 or more frequently as specified in the applicable requirements or by permit condition. The compliance certifications shall be submitted to the Air Compliance Section, Air Regional Field Office, and USEPA Region 5 – Air Branch. The addresses for the submittal of the compliance certifications are provided in Condition 8.6.4 of this permit.

- a. The certification shall include the identification of each term or condition of this permit that is the basis of the certification; the compliance status; whether compliance was continuous or intermittent; the method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.

111. Section 112(d)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7312(d)(1), provides in pertinent part as follows:

1. The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation.

112. Pursuant to Section 112(d)(1) of the CAA, USEPA promulgated National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, which are found in Chapter 40, Part 63 of the Code of Federal Regulation, 40 C.F.R. Part 63.

113. On January 2, 2008, the Administrator published national emission standards for iron and steel foundries area sources, 73 Fed. Reg. 226 (January 2, 2008).

114. The NESHAP for Iron and Steel Foundries, which are found in Chapter 40, Part 63, Subpart ZZZZZ of NESHAP for Source Categories, 40 C.F.R. § 63.10880 *et seq.* (“Subpart ZZZZZ”), codify the national emission standards for iron and steel foundries area sources that were published in 73 Fed. Reg 226.

115. Section 63.10880 of Subpart ZZZZZ, 40 C.F.R. § 63.10880, provides in pertinent part as follows:

- (a) You are subject to this subpart if you own or operate an iron and steel foundry that is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is each iron and steel foundry.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source before September 17, 2007.

116. Section 63.10906 of Subpart ZZZZZ, 40 C.F.R. § 63.10906, contains the following definition:

Iron and steel foundry means a facility or portion of a facility that melts scrap, ingot, and/or other forms of iron and/or steel and pours the resulting molten metal into molds to produce final or near final shape products for introduction into commerce. . . .

117. Respondent's Facility is an "iron and steel foundry," as that term is defined in Section 63.10906(a) of Subpart ZZZZZ, 40 C.F.R. § 63.10906(a).

118. Respondent commenced construction of the Facility before September 17, 2007.

119. Respondent's Facility is a source of HAP emissions and is an "existing affected source" as that term is defined in Section 63.10880(b)(1) of Subpart ZZZZZ, 40 C.F.R. § 63.10880(b)(1).

120. Respondent was required to submit to the Illinois EPA its Annual Compliance Certification for the Facility for the calendar year 2011 by May 1, 2012.

121. Respondent failed to submit to the Illinois EPA a complete Annual Compliance Certification for Facility for the calendar year 2011 by May 1, 2012.

122. By failing to timely submit an Annual Compliance Certification for the Facility for the calendar year 2011, Respondent violated permit conditions 5.2.6(a) and 9.8(a) of the CAAPP Permit.

123. Permit condition 5.6.5(a) of CAAPP Permit provides as follows:

Retention and Availability of Records

- a. All records and logs required by this permit shall be retained for at least five years from the date of entry (unless a longer retention period is specified by the particular recordkeeping provision herein), shall be kept at a location at the source that is readily accessible to the Illinois EPA or USEPA, and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request.

124. Permit condition 9.6.3(b) of the CAAPP Permit provides as follows:

Retention of Records

- a. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit [Section 39.5(7) (e) (ii) of the Act].
- b. Other records required by this permit shall be retained for a period of at least 5 years from the date of entry unless a longer period is specified by a particular permit provision.

125. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent failed to retain the required records and logs for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record at the Facility.

126. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent failed to retain all records and logs required by the CAAPP Permit.

127. By failing to retain all records and logs required by the CAAPP Permit, Respondent violated permit conditions 5.6.5(a) and 9.6.3(b) of the CAAPP Permit.

128. On dates better known to Respondent, Respondent violated permit conditions 5.2.3(a), 5.2.3(c), 5.2.6(a), 5.4.1(a-c), 5.6.2(a), 5.6.2(d), 5.6.3(b), 5.6.5(a), 5.7.3(c), 5.7.4, 7.1.9(d), 7.2.9(d), 7.3.9(c), 7.4.9(c), 7.5.7(a), 9.6.3(b) and 9.8(a) of Respondent's CAAPP Permit.

129. By violating the permit conditions listed in paragraph 128, above, Respondent has thereby also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2014), and conditions 5.2.3(a), 5.2.3(c), 5.2.6(a), 5.4.1(a-c), 5.6.2(a), 5.6.2(d), 5.6.3(b), 5.6.5(a), 5.7.3(c), 5.7.4, 7.1.9(d), 7.2.9(d), 7.3.9(c), 7.4.9(c), 7.5.7(a), 9.6.3(b) and 9.8(a) of Respondent's CAAPP Permit;

3. Ordering the Respondent to cease and desist from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2014), and conditions 5.2.3(a), 5.2.3(c), 5.2.6(a), 5.4.1(a-c), 5.6.2(a), 5.6.2(d), 5.6.3(b), 5.6.5(a), 5.7.3(c), 5.7.4, 7.1.9(d), 7.2.9(d), 7.3.9(c), 7.4.9(c), 7.5.7(a), 9.6.3(b) and 9.8(a) of Respondent's CAAPP Permit;

4. Assessing against Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT XII

OPERATING A MAJOR SOURCE WITHOUT A CLEAN AIR ACT PERMIT PROGRAM PERMIT

1-17. Complainant realleges and incorporates by reference paragraphs 1 through 6, 14 and 17 of the foregoing section of this Complaint titled "The Parties and Background," paragraphs 13 and 14 of Count I, paragraph 29 of Count IV, and paragraphs 18, 19, and 21 through 24 of Count IX as paragraphs 1 through 17 of this Count XII.

18. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2014), provides in pertinent part as follows:

6. Prohibition

* * *

- b. ... no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

19. The Sand Screen emits, or has the potential to emit, PM, a "regulated pollutant," as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2014).

20. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides the following definition:

"Modification": any physical change in, or change in the method of operations of, an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted. Notwithstanding any other provisions of this definition, for purposes of permits issued pursuant to Subpart D, the Illinois Environmental Protection Agency (Agency) may specify conditions under

which an emission source or air pollution control equipment may be operated without causing a modification as herein defined, and normal cyclical variations, before the date operating permits are required, shall not be considered modifications.

21. By constructing the Sand Screen at the Facility in 2008, Respondent modified a major source and was required to apply for and obtain an amended CAAPP permit identifying all of the existing emission units at the Facility.

22. On September 10, 2010, Respondent submitted to the Illinois EPA an application for a renewal of the CAAPP Permit, which included a request to modify the permit to include the operation of the Sand Screen.

23. By operating a major source without the requisite CAAPP permit, Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2014);
3. Ordering the Respondent to cease and desist from any further violations of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2014);
4. Assessing against Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT XIII

VIOLATIONS OF NESHAP REQUIREMENTS

1-25. Complainant realleges and incorporates by reference paragraphs 1 through 13, 20 and 21 of the foregoing section of this Complaint titled "The Parties and Background," paragraphs 13 and 14 of Count I, and paragraphs 112 through 120 of Count XI as paragraphs 1 through 25 of this Count XIII.

26. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2014), provides as follows:

No person shall:

1. Violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto.

27. Section 63.10880(f) of Subpart ZZZZZ, 40 C.F.R. § 63.10880(f), provides as follows:

(f) If you own an existing affected source, you must determine the initial applicability requirements of this subpart to a small foundry or a large foundry based on your facility's metal melt production for calendar year 2008. If the metal melt production for calendar year 2008 is 20,000 tons or less, your area source is a small foundry. If your metal melt production for calendar year 2008 is greater than 20,000 tons, your area source is a large foundry. You must submit a written notification to the Administrator that identifies your area source as a small foundry or a large foundry no later than January 2, 2009.

28. Section 63.10906 of Subpart ZZZZZ, 40 C.F.R. § 63.10906, contains the following definitions:

Terms used in this subpart are defined in the Clean Air Act, in §63.2, and in this section.

Annual metal melt capacity means the lower of the total metal melting furnace equipment melt rate capacity assuming 8,760 operating hours per year summed for all metal melting furnaces at the foundry or, if

applicable, the maximum permitted metal melt production rate for the iron and steel foundry calculated on an annual basis. Unless otherwise specified in the permit, permitted metal melt production rates that are not specified on an annual basis must be annualized assuming 24 hours per day, 365 days per year of operation. If the permit limits the operating hours of the furnace(s) or foundry, then the permitted operating hours are used to annualize the maximum permitted metal melt production rate.

Annual metal melt production means the quantity of metal melted in a metal melting furnace or group of all metal melting furnaces at the iron and steel foundry in a given calendar year. For the purposes of this subpart, metal melt production is determined on the basis on the quantity of metal charged to each metal melting furnace; the sum of the metal melt production for each furnace in a given calendar year is the annual metal melt production of the foundry.

Large foundry means, for an existing affected source, an iron and steel foundry with an annual metal melt production greater than 20,000 tons. For a new affected source, *large foundry* means an iron and steel foundry with an annual metal melt capacity greater than 10,000 tons.

Mercury switch means each mercury-containing capsule or switch assembly that is part of a convenience light switch mechanism installed in a vehicle.

Motor vehicle means an automotive vehicle not operated on rails and usually is operated with rubber tires for use on highways.

Motor vehicle scrap means vehicle or automobile bodies, including automobile body hulks, that have been processed through a shredder.

Motor vehicle scrap does not include automobile manufacturing bundles, or miscellaneous vehicle parts, such as wheels, bumpers, or other components that do not contain mercury switches.

Scrap provider means the person (including a broker) who contracts directly with an iron and steel foundry to provide motor vehicle scrap. Scrap processors such as shredder operators or vehicle dismantlers that do not sell scrap directly to a foundry are not *scrap providers*.

29. Respondent's Facility, an existing affected source, had an annual metal melt capacity of approximately 90,000 tons for the year 2008.

30. Respondent's Facility is a "large foundry" as that term is as that term is defined in Section 63.10906(a) of Subpart ZZZZZ, 40 C.F.R. § 63.10906(a).

31. Section 63.10895(e) of Subpart ZZZZZ, 40 C.F.R. § 63.10895(e), provides as follows:

What are my standards and management practices?

* * *

(e) If you own or operate a new or existing iron and steel foundry, you must not discharge to the atmosphere fugitive emissions from foundry operations that exhibit opacity greater than 20 percent (6-minute average), except for one 6-minute average per hour that does not exceed 30 percent.

32. Section 63.10898(h) of Subpart ZZZZZ, 40 C.F.R. § 63.10898(h), provides as follows:

What are my performance test requirements?

* * *

(h) You must conduct each opacity test for fugitive emissions according to the requirements in § 63.6(h)(5) and Table 1 to this subpart.

33. Table 1 to Subpart ZZZZZ of Part 63 provides as follows:

Performance Test Requirements for New and Existing Affected Sources Classified as Large Foundries
As required in §63.10898(c) and (h), you must conduct performance tests according to the test methods and procedures in the following table:

For . . .	You must. . .	According to the following requirements. . .
* * *	* * *	* * *
2. Fugitive emissions from buildings or structures housing any iron and steel	a. Using a certified observer, conduct each opacity test according to EPA Method 9 (40 CFR part 60, appendix A-4) and 40 CFR 63.6(h)(5)	i. The certified observer may identify a limited number of openings or vents that appear to have the highest opacities and perform opacity observations on the identified openings or vents in lieu of performing observations for each opening or vent from the building or structure.

<p>foundry emissions sources subject to opacity limit in §63.10895(e)</p>		<p>Alternatively, a single opacity observation for the entire building or structure may be performed, if the fugitive release points afford such an observation.</p>
		<p>ii. During testing intervals when PM or total metal HAP performance tests, if applicable, are being conducted, conduct the opacity test such that the opacity observations are recorded during the PM or total metal HAP performance tests.</p>
	<p>b. As alternative to Method 9 performance test, conduct visible emissions test by Method 22 (40 CFR part 60, appendix A-7). The test is successful if no visible emissions are observed for 90 percent of the readings over 1 hour. If VE is observed greater than 10 percent of the time over 1 hour, then the facility must conduct another performance test as soon as possible, but no later than 15 calendar days after the Method 22 test, using Method 9 (40 CFR part 60, appendix A-4)</p>	<p>i. The observer may identify a limited number of openings or vents that appear to have the highest visible emissions and perform observations on the identified openings or vents in lieu of performing observations for each opening or vent from the building or structure. Alternatively, a single observation for the entire building or structure may be performed, if the fugitive release points afford such an observation.</p> <p>ii. During testing intervals when PM or total metal HAP performance tests, if applicable, are being conducted, conduct the visible emissions test such that the observations are recorded during the PM or total metal HAP performance tests.</p>

34. Section 63.10898(i) of Subpart ZZZZZ, 40 C.F.R. § 63.10898(i), provides as follows:

- (i) You must conduct subsequent performance tests to demonstrate compliance with the opacity limit in §63.10895(e) no less frequently than every 6 months and each time you make a process change likely to increase fugitive emissions.

35. Section 63.10881(a)(3) of Subpart ZZZZZ, 40 C.F.R. § 63.10881(a)(3), provides as follows:

What are my compliance dates?

(a) If you own or operate an existing affected source, you must achieve compliance with the applicable provisions of this subpart by the dates in paragraphs (a)(1) through (3) of this section.

* * *

(3) Except as provided in paragraph (d) of this section, not later than 2 years after the date of your large foundry's notification of the initial determination required in § 63.10880(f) for the standards and management practices in § 63.10895.

36. In 2008, the Illinois EPA notified Respondent of the Agency's determination that the Facility was a large foundry.

37. Respondent was required to conduct the first semi-annual opacity test in 2010.

38. Since 2010, Respondent was required to conduct semi-annual opacity testing and submit a semi-annual testing report to the Illinois EPA.

39. From 2010 through the date of filing of this Complaint, Respondent has failed to conduct opacity testing on all buildings or structures housing emission sources involved in the foundry operations at the Facility.

40. By failing to conduct opacity testing on all buildings or structures housing emission sources involved in the foundry operations at the Facility, Respondent violated Table 1 to Subpart ZZZZZ of Part 63, and thereby Respondent has also violated 40 C.F.R. § 63.10898(h).

41. By not conducting opacity testing on all buildings or structures housing emission sources involved in the foundry operations at the Facility, Respondent did not conduct all required opacity testing on foundry operations every 6 months and thereby Respondent violated 40 C.F.R. § 63.10898(i).

42. Section 63.10885(b)(2) and (3) of Subpart ZZZZZ, 40 C.F.R. § 63.10885(b)(2) and (3), provides in pertinent part as follows:

What are my management practices for metallic scrap and mercury switches?

* * *

- (b) Mercury requirements. For scrap containing motor vehicle scrap, you must procure the scrap pursuant to one of the compliance options in paragraphs (b)(1), (2), or (3) of this section for each scrap provider, contract, or shipment. For scrap that does not contain motor vehicle scrap, you must procure the scrap pursuant to the requirements in paragraph (b)(4) of this section for each scrap provider, contract, or shipment. You may have one scrap provider, contract, or shipment subject to one compliance provision and others subject to another compliance provision.

* * *

- (2) Option for approved mercury programs. You must certify in your notification of compliance status that you participate in and purchase motor vehicle scrap only from scrap providers who participate in a program for removal of mercury switches that has been approved by the Administrator based on the criteria in paragraphs (b)(2)(i) through (iii) of this section. If you purchase motor vehicle scrap from a broker, you must certify that all scrap received from that broker was obtained from other scrap providers who participate in a program for the removal of mercury switches that has been approved by the Administrator based on the criteria in paragraphs (b)(2)(i) through (iii) of this section. The National Mercury Switch Recovery Program and the State of Maine Mercury Switch Removal Program are EPA-approved programs under paragraph (b)(2) of this section unless and until the Administrator disapproves the program (in part or in whole) under paragraph (b)(2)(iii) of this section.

- (i) The program includes outreach that informs the dismantlers of the need for removal of mercury switches and provides training and guidance for removing mercury switches;
- (ii) The program has a goal to remove at least 80 percent of mercury switches from motor vehicle scrap the scrap provider processes. Although a

program approved under paragraph (b)(2) of this section may require only the removal of convenience light switch mechanisms, the Administrator will credit all documented and verifiable mercury-containing components removed from motor vehicle scrap (such as sensors in anti-locking brake systems, security systems, active ride control, and other applications) when evaluating progress towards the 80 percent goal; and

- (iii) The program sponsor agrees to submit progress reports to the Administrator no less frequently than once every year that provide the number of mercury switches removed or the weight of mercury recovered from the switches, the estimated number of vehicles processed, an estimate of the percent of mercury switches recovered, and certification that the recovered mercury switches were recycled at facilities with permits as required under the rules implementing subtitle C of RCRA (40 CFR parts 261 through 265 and 268). The progress reports must be based on a database that includes data for each program participant; however, data may be aggregated at the State level for progress reports that will be publicly available. The Administrator may change the approval status of a program or portion of a program (e.g., at the State level) following 90-days notice based on the progress reports or on other information.
- (iv) You must develop and maintain onsite a plan demonstrating the manner through which your facility is participating in the EPA-approved program.
 - (A) The plan must include facility-specific implementation elements, corporate-wide policies, and/or efforts coordinated by a trade association as appropriate for each facility.
 - (B) You must provide in the plan documentation of direction to appropriate staff to communicate to suppliers throughout the scrap supply chain the need to promote the removal or mercury switches from end-of-

life vehicles. Upon the request of the Administrator or delegated authority, you must provide examples of materials that are used for outreach to suppliers, such as letters, contract language, policies for purchasing agents, and scrap inspection protocols.

(C) You must conduct periodic inspections or other means of corroboration to ensure that scrap providers are aware of the need for and are implementing appropriate steps to minimize the presence of mercury in scrap from end-of-life vehicles.

(3) Option for specialty metal scrap. You must certify in your notification of compliance status and maintain records of documentation that the only materials from motor vehicles in the scrap are materials recovered for their specialty alloy (including, but not limited to, chromium, nickel, molybdenum, or other alloys) content (such as certain exhaust systems) and, based on the nature of the scrap and purchase specifications, that the type of scrap is not reasonably expected to contain mercury switches.

43. On February 3, 2010, Respondent submitted to the Illinois EPA a Notification of Compliance Status wherein Respondent certified that it will only accept scrap metal for foundry operations at the Facility from suppliers who participate in a program for removal of mercury switches that has been approved by the Administrator based on the criteria in 40 C.F.R. § 63.10885(b)(2)(i) – (iii).

44. Respondent receives scrap metal for foundry operations at the Facility from a broker.

45. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent failed to keep records to ensure that only scrap providers who participated in a program for removal of mercury switches approved by the Administrator were used to provide scrap metal to the Facility.

46. By failing to keep records to ensure that only scrap providers who participated in a program for removal of mercury switches approved by the Administrator were used to provide scrap to the Facility, Respondent violated Section 63.10885(b)(2) of Subpart ZZZZZ, 40 C.F.R. § 63.10885(b)(2).

47. At the time of the Illinois EPA's May 2012 Inspection of the Facility, Respondent failed to maintain a record of all scrap metal suppliers to Respondent's scrap broker that identified that the type of scrap metal would not reasonably be expected to contain mercury switches.

48. By failing to maintain a record of all scrap metal supplies to Respondent's scrap broker that identified that the type of scrap metal would not reasonably be expected to contain mercury switches, Respondent violated Section 63.10885(b)(3) of Subpart ZZZZZ, 40 C.F.R. § 63.10885(b)(3).

49. Section 63.10899(a) of Subpart ZZZZZ, 40 C.F.R. § 63.10899(a), provide as follows:

What are my recordkeeping and reporting requirements?

(a) As required by § 63.10(b)(1), you must maintain files of all information (including all reports and notifications) for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

50. At the time of the Illinois EPA's May 2012 inspection of the Facility, Respondent failed to maintain files of all information for the previous five years following the date of each occurrence, measurement, maintenance, corrective action, report, and/or record at the Facility.

51. By failing to maintain files of all information for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record at the Facility, Respondent violated Section 63.10889(a) of Subpart ZZZZZ, 40 C.F.R. § 63.10899(a).

52. By violating 40 C.F.R. §§ 63.10885(b)(2) and (3), 63.10898(h), 63.10898(i), and 63.10899(a), Respondent thereby violated Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent AMSTED RAIL COMPANY, INC., for the following relief:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2014),
3. Ordering the Respondent to cease and desist from any further violations of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2014);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

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