

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 by KWAME RAOUL, Attorney General )  
 of the State of Illinois, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ERICKSON STEEL COMPANY, INC., )  
 )  
 Respondent. )

PCB No:  
(Enforcement)

NOTICE OF FILING

To: See attached service list

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

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL, ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: s/Emma L. Hudspath  
 Emma L. Hudspath, #6324083  
 Environmental Bureau  
 Assistant Attorney General  
 500 South Second Street  
 Springfield, Illinois 62701  
 217/782-9031  
[ehudspath@atg.state.il.us](mailto:ehudspath@atg.state.il.us)  
[ebs@atg.state.il.us](mailto:ebs@atg.state.il.us)

Dated: September 9, 2019.

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Service List

For the Respondent

Erickson Steel Company, Inc.  
c/o John R. Erickson, Registered Agent  
715 South Second Street  
Pekin, IL 61554

**BEFORE THE ILLINOIS POLLUTION BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>by KWAME RAOUL, Attorney</b>	)	
<b>General of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>No.</b>
	)	
<b>ERICKSON STEEL COMPANY, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

Complainant, the PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, ERICKSON STEEL COMPANY, an Illinois corporation, as follows:

**COUNT I**  
**OPEN BURNING**

1. This Count is brought on behalf of the People of the State of Illinois, by KWAME RAOUL, the Attorney General of the State of Illinois on his own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2018).

2. Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2018), and charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, ERICKSON STEEL COMPANY, INC., an Illinois corporation ("Respondent"), is an Illinois corporation in good standing. Respondent's office is located at 715

South Second Street, Pekin, Illinois, 61554 ("Site"). Respondent is a company that conducts metal fabrication services, with operations being conducted at the Site. Operations include, but are not limited to, storage of equipment and painting of truck frames.

4. On May 15, 2018, Illinois EPA inspected the Site.

5. On May 15, 2018, Illinois EPA observed a 55-gallon drum container placed a few feet away from the entrance of Respondent's facility at the Site. Inside the container, Illinois EPA observed residues of burnt wastes, including ash and pieces of plastic waste. A representative of the Respondent acknowledged that the container had earlier been used to burn waste.

6. Section 9 of the Act, 415 ILCS 5/9 (2018), provides, in pertinent part, as follows:

No person shall:

\* \* \*

(c) Cause or allow the open burning of refuse. . . . except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

7. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides as follows:

"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.

8. Respondent is a corporation and therefore a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

9. Section 3.300 of the Act, 415 ILCS 5/3.300 (2018), provides as follows:

"Open burning" is the combustion of any matter in the open or in an open dump.

10. Section 3.385 of the Act, 415 ILCS 5/3.385 (2018), provides as follows:

“Refuse” means waste.

11. Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), provides, in pertinent part, as follows:

“Waste” means any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. . . .

12. The plastic waste present on the Site on May 15, 2018 are “discarded material,” and are therefore “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), and are therefore also “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2018).

13. On or before May 15, 2018, and on dates better known to the Respondent, Respondent caused or allowed the open burning of refuse in such a manner that was not approved by Illinois EPA or the Board.

14. By causing or allowing the open burning of refuse in a manner that was not approved by the Agency or the Board, Respondent has violated Section 9(c) of the Act, 415 ILCS 5/9(c) (2018).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order against Respondent, ERICKSON STEEL COMPANY, INC., on Count I:

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

- B. Finding that the Respondent has violated Section 9(c) of the Act, 415 ILCS 5/9(c) (2018);
- C. Ordering Respondent to cease and desist from any further violations of Section 9(c) of the Act, 415 ILCS 5/9(c) (2018);
- D. Assessing against Respondent a civil penalty of up to \$50,000.00 for each violation of the Act, and an additional civil penalty of up to \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);
- E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
- F. Ordering such other relief as the Board may deem appropriate and just.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General of  
the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

By: *Andrew Armstrong*  
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

Emma L. Hudspath  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
ARDC #6324083  
Ph: (217)557-4635  
Fax: (217)524-7740  
ehudspath@atg.state.il.us  
ebs@atg.state.il.us

**CERTIFICATE OF SERVICE**

I, Emma L. Hudspath, an Assistant Attorney General, certify that on the 9th day of September, 2019, I caused to be served via certified mail, return receipt requested, a copy of the foregoing Notice of Filing and Complaint to the following:

Erickson Steel Company, Inc.  
c/o John R. Erickson, Registered Agent  
715 South Second Street  
Pekin, IL 61554

s/Emma L. Hudspath  
Emma L. Hudspath  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62701  
217/782-9031  
ehudspath@atg.state.il.us  
ebs@atg.state.il.us