

ILLINOIS POLLUTION CONTROL BOARD
November 7, 2019

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 16-61
)	(Enforcement - Air)
AMSTED RAIL COMPANY, INC., a)	
Delaware corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B.K. Carter):

On November 16, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a thirteen-count complaint against Amsted Rail Company, Inc. (Amsted). The complaint concerns Amsted’s steel foundry at 1700 Walnut Street in Granite City, Madison County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2018)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2018); 35 Ill. Adm. Code 103. In this case, the People allege that Amsted violated:

1. Section 9(a) of the Act (415 ILCS 5/9(a) (2014)) and Section 212.324(f)(1)-(f)(3) of the Board air pollution regulations (35 Ill. Adm. Code 212.324(f)(1)-(f)(3)) by failing to inspect and maintain process emission units;
2. 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)) by failing to maintain air pollution emission control records;
3. Section 9(a) of the Act (415 ILCS 5/9(a) (2014)) and Sections 212.316(g)(1), 212.316(g)(2)(C), and 212.324(g)(1) of the Board air pollution regulations (35 Ill. Adm. Code 212.316(g)(1), 212.316(g)(2)(C), 212.324(g)(1)) by failing to maintain emission unit records;
4. 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), 212.312) by violating the Fugitive Particulate Matter Operating Program;

5. 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) by constructing an emission source without a permit;
6. Section 9.12(a) of the Act (415 ILCS 5/9.12(a) (2014)) by failing to submit a construction permit fee;
7. Section 9(b) of the Act (415 ILCS 5/9(b) (2014)) by violating conditions in Construction Permit 06060046, including conditions 1.8, 1.9(d), 1.1.9(d), 1.9(e)(1), and 1.9(e)(ii);
8. Section 9(b) of the Act (415 ILCS 5/9(b) (2014)) by violating conditions in Construction Permit 08060024, including condition 9(b)(i);
9. Section 9(b) of the Act (415 ILCS 5/9(b) (2014)) by violating conditions in Construction Permit 09060002, including conditions 1.3, 1.7(a), 1.7(b)(ii), and 1.7(c);
10. Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2014)) by violating Clean Air Act Permit Program (CAAPP) permit emissions limitations, including conditions 7.2.6(a) and 7.4.6(a);
11. Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2014)) by violating conditions in the CAAPP permit, including 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);
12. Section 39.5(6)(b) of the Act (415 ILCS 5/39.5(6)(b) (2014)) by operating a major source without a CAAPP permit; and
13. Section 9.1(d) of the Act (415 ILCS 5/9.1(d) (2014)) by violating National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources requirements.

On October 31, 2019, the People and Amsted filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2018)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2018)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Amsted does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$100,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a

hearing. *See* 415 ILCS 5/31(c)(2) (2018); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 7, 2019 by a vote of 4-0.

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

Don A. Brown, Clerk
Illinois Pollution Control Board