

Service List

Chicago Magnesium Casting Company
George L. Schoenbeck III, Registered Agent
Sosin, Arnold & Schoenbeck Ltd.
9501 W. 144th Place, Suite 205
Orland Park, IL 60462
gschoenbeck@sosinarnold.com

CERTIFICATE OF SERVICE

I, Ann Marie A. Hanohano, an Assistant Attorney General, certify that on the 31st day of May, 2023, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by certified mail with return receipt and electronic mail.

/s/ Ann Marie A. Hanohano
Ann Marie A. Hanohano
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 881-0556
annmarie.hanohano@ilag.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-
)	(Enforcement _____)
CHICAGO MAGNESIUM CASTING)	
COMPANY, an Illinois corporation,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), complains of the Respondent, CHICAGO MAGNESIUM CASTING COMPANY an Illinois corporation, as follows:

COUNT I

FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE ANNUAL EMISSIONS REPORTS

1. This Complaint is brought on behalf of 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 (“Illinois EPA”), against CHICAGO MAGNESIUM CASTING COMPANY an Illinois corporation (“Respondent” or “Chicago Magnesium”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).
2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to this Complaint, Chicago Magnesium has been and is an Illinois corporation authorized to transact business in the State of Illinois.

4. At all times relevant to this Complaint, Chicago Magnesium has owned and operated a magnesium and aluminum foundry located at 14101 South Seeley Avenue, Blue Island, Illinois (“Facility”).

5. At all times relevant to this Complaint, Chicago Magnesium operated emission units at the Facility consisting of ten (10) magnesium melting furnaces, one aluminum melting furnace, mold core making operations, eight (8) mold core curing cabinets, one surface treatment line comprised of five (5) 478-gallon tanks, sand reclaiming operations controlled by a baghouse, and one fluidized bed pyrolytic cleaning oven controlled by cyclone.

6. The Facility’s emission units are capable of emitting particulate matter, sulfur dioxide, sulfuric acid, volatile organic material, carbon monoxide, and nitrogen oxides.

7. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), 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.

8. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

“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.

9. Chicago Magnesium, a corporation, is a “person” as that term is defined in Section 3.315 the Act, 415 ILCS 5/3.315 (2020).

10. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

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

11. Particulate matter, sulfur dioxide, sulfuric acid, volatile organic material, carbon monoxide, and nitrogen oxides are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

12. Section 201.302(a) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports when necessary to accomplish the purposes of the Act and this Chapter.

12. Section 254.102(a)(2) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(2), provides as follows:

(a) Subpart B of this Part applies to:

* * *

(2) Owners or operators of any source required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5];

13. Chicago Magnesium is required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act, and therefore meets the applicability criteria contained in Section 254.102(a)(2) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(2).

14. Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides as follows:

Failure to file a complete Annual Emissions Report by the applicable deadlines

prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

15. Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a), provides as follows:

All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

16. Section 211.4370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, provides the following definition:

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

17. Chicago Magnesium is an “owner or operator” as that term is defined by Section 211.4370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4370.

18. Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950, provides the following definition:

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

19. Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, provides the following definition:

“Stationary source” means any building, structure, facility or installation that emits or may emit any air pollutant.

20. Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.370, provides the following definition:

“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.

21. The Facility is a “stationary source” comprised of “emission units” that emit “air pollutants” as those terms are defined in Sections 211.6370, 211.1950, and 211.370, respectively, of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, 211.1950, and 211.370.

22. Beginning on a date or dates better known to Chicago Magnesium, and continuing to the date of the filing of this Complaint, Chicago Magnesium, as the owner or operator of emissions units, is required pursuant to Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Sections 254.132(a) and 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a) and 254.137(a), to submit Annual Emissions Reports (“AERs”) to the Illinois EPA each year by May 1 for the preceding calendar year.

23. By May 1, 2021, Chicago Magnesium was required to submit an AER for calendar year 2020 to the Illinois EPA.

24. As of the date of the filing of this Complaint, Chicago Magnesium has not submitted its AER for calendar year 2020.

25. By failing to timely submit a complete and accurate AER for calendar year 2020, Respondent violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a). Respondent thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CHICAGO MAGNESIUM CASTING COMPANY an Illinois corporation, with respect to Count I:

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) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

3. Ordering the Respondent to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

4. Requiring Respondent to submit to the Illinois EPA a complete and accurate AER for calendar year 2019 pursuant to Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

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

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

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7. Granting other such relief as the Board deems 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: /s/ Stephen J. Sylvester
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

Ann Marie A. Hanohano
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
312.881.0556
Primary: annmarie.hanohano@ilag.gov
Secondary: maria.cacaccio@ilag.gov