ILLINOIS POLLUTION CONTROL BOARD February 1, 2024

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 23-121
CHICAGO MAGNESIUM CASTING)	(Enforcement - Air)
COMPANY, an Illinois corporation,)	
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On May 31, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Chicago Magnesium Casting Company (Chicago Magnesium). The complaint concerns Chicago Magnesium's magnesium and aluminum foundry located at 14101 South Seeley Avenue in Blue Island, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement. This order is issued *nunc pro tunc* to correct the January 4, 2024 order issued in this matter and will be retroactive to January 4th.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Chicago Magnesium violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a) by failing to timely submit complete and accurate annual emission reports for calendar year 2020.

On December 22, 2023, the People and Chicago Magnesium filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Chicago Magnesium does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$10,000.

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) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 1, 2024, by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown