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STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 28, 2004

PLB04-137

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. Robinson Carbon, Inc.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, APPEARANCE and COMPLAINT in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Delbert D. Haschemeyer  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

DDH/pp  
Enclosures

**RECEIVED**  
CLERK'S OFFICE

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD FEB - 2 2004**

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 ROBINSON CARBON, INC., )  
 )  
 Respondent. )

PCB No. 04-137  
(Enforcement)

**NOTICE OF FILING**

To: C. T. Corporation System  
208 South LaSalle Street  
Chicago, IL 60604

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT and ENTRY OF APPEARANCE, a copy of which is attached hereto and herewith 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 this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (1994), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY:



DELBERT D. HASCHEMEYER  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: January 28, 2004

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CLERK'S OFFICE

FEB - 2 2004

STATE OF ILLINOIS  
Pollution Control Board

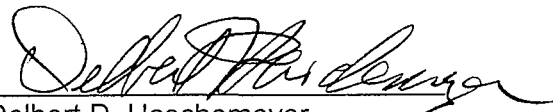
**CERTIFICATE OF SERVICE**

I hereby certify that I did on January 28, 2004, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: C. T. Corporation System  
208 S. LaSalle Street  
Chicago, IL 60604

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601



Delbert D. Haschemeyer  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB - 2 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
 ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 ROBINSON CARBON, INC., )  
 a Delaware corporation, )  
 )  
 Respondent. )

PCB No. 04-137  
(Enforcement)

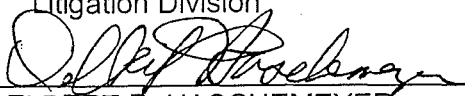
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, DELBERT D. HASCHEMEYER, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN  
Attorney General of the  
State of Illinois

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

BY:   
DELBERT D. HASCHEMEYER  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: January 28, 2004

FEB - 2 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
CRAWFORD COUNTY, ILLINOIS

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
ROBINSON CARBON, INC., )  
a Delaware corporation, )  
)  
Respondent. )

PCB No. 04-137  
(Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, ROBINSON CARBON, INC., as follows:

COUNT I

AIR POLLUTION

1. This Complaint is brought by the Attorney General on her 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 (2002).

2. The 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 (2002), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.

4. Respondent, ROBINSON CARBON, INC., is a Delaware corporation authorized to the business in Illinois. Its registered agent is C. T. Corporation System, 208 South LaSalle Street, Chicago, Illinois.

5. The Respondent operates a facility, the coke plant, which produces calcined coke for the aluminum industry, located at R. R. 3, P.O. Box 719, Robinson, Crawford County, Illinois.

6. Emissions from the coke plant include particulate matter.

7. On January 17, 1997, the Illinois EPA issued Respondent Operating Permit No. 75110042, attached hereto as Exhibit A.

8. Section 9 of the Act, 415 ILCS 5/9 (2002), provides in pertinent part:

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;

9. Section 3.115 of the Act, 415 ILCS 5/3.115 (2002), defines "air pollution" as follows:

"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.

10. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), defines "contaminant" as follows:

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

11. Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141 (2002), provides as follows:

#### Prohibition of Air Pollution

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

12. Section 212.321, Processed Emission Units for which Construction or Modifications Commenced Prior to April 14, 1972, of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

212.321, provides:

- a. Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of this Section.

\* \* \*

- c. Limits for Process Emission Units For Which Construction of Modification Commenced on or After April 14, 1972:

\* \* \*

Metric P - Mg/hr	E - kg/hr	English P - T/hr	E - lbs/hr
9.	3.9	10.00	8.70
13.	4.8	15.00	10.80
18.	5.7	20.00	12.50
23.	6.5	25.00	14.00
27.	7.1	30.00	15.60
32.	7.7	35.00	17.00
36.	8.2	40.00	18.20
41.	8.8	45.00	19.20
45.	9.3	50.00	20.50
90.	13.4	100.00	29.50

\* \* \*

where:

P = Process weight rate in metric or T/hr, and  
E = Allowable emission rate in kg/hr or lbs/hr.

13. Commencing on or before April 12, 1998, and continuing to on or after April 23, 1998, Respondent operated kiln #2 and the #2 cooler in such a manner so as to exceed the



particulate standard in violation of Sections 201.141 and 212.321 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141 and 212.321 and Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, ROBINSON CARBON, INC.:

- A. Authorizing a hearing in this matter, at which time, the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2002), impose a civil penalty of up to fifty thousand dollars (\$50,000) for each violation and an additional penalty of ten thousand (\$10,000) for each day during which such violations continued;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

**COUNT II**

**PERMIT CONDITION VIOLATIONS**

1-8. Complainant realleges and incorporates herein by reference paragraphs 1 through 8 of Count I as paragraphs 1 through 8 of this Count II.

9. Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), provides:

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;
- 10. Section 39.5 of the Act, 415 ILCS 5/39.5 (2002), provides in pertinent part:
  - 6. 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.
- 11. Section 39.5 of the Act, 415 ILCS 5/39.5 (2002), defines "source" as follows:

"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.
- 12. Standard Condition #7 of Operating Permit #75110042, provides:

The permittee shall maintain all equipment covered under this permit in such a manner that the performance of such equipment shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.
- 13. Standard Condition #9 of Operating Permit #75110042, provides:

No person shall cause or allow continued operation during malfunctions, breakdown or startup of any emission source or related air pollution control equipment if such operation would cause a violation of an applicable emission standard or permit limitation. Should a malfunction, breakdown or startup occur which results in emissions in excess of any applicable standard or permit limitation, the Permittee shall:

  - a. Immediately report the incident to the Illinois EPA's Regional Field Operations Section Office by telephone, telegraph, or other method as constitutes the fastest available alternative, and shall comply with all reasonable directives of the Illinois EPA with respect to the incident;
  - b. Maintain the following records for a period of no less than two (2) years;

- i. Date and duration of malfunction, breakdown, or startup;
- ii. Full and detailed explanation of the cause;
- iii. Contaminants emitted and an estimate of quantity of emissions;
- iv. Measures taken to minimize the amount of emissions during the malfunction, breakdown or startup; and
- v. Measures taken to reduce future occurrences and frequency of incidents.

14. Commencing on or before April 12, 1998, and continuing to on or after April 23, 1998, Robinson Carbon, Inc., operated its #2 kiln while its baghouse was broken down, and commencing on or before June 8, 1999, and continuing to on or after July 10, 1999, Respondent operated its #2 kiln with a large hole in the archway of the pyro-scrubber.

15. Further, Respondent failed to provide notice to the Agency of the aforesaid breakdowns, all in violation of Standard Condition #7, 9 and 9(a) of Respondent's Operating Permit #7511042 and Section 9(b) of the Act, 415 ILCS 5/9(a) (2002).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, ROBINSON CARBON, INC.:

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

B. Finding that Respondent has violated the Act and regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2002), impose a civil penalty of up to fifty thousand dollars (\$50,000) for each violation that occurred and an additional penalty of ten thousand (\$10,000) for each day during which such violations continued;

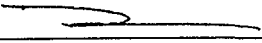
E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2002), awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN,  
Attorney General of the  
State of Illinois,

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

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel

DELBERT D. HASCHEMEYER

Assistant Attorney General

500 South Second Street

Springfield, Illinois 62706

217/782-9031

Dated: 1/28/09