

ILLINOIS POLLUTION CONTROL BOARD
February 16, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Petitioner,)	
)	
v.)	PCB 04-137
)	(Enforcement - Air)
ROBINSON CARBON, INC., a Delaware)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On February 2, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Robinson Carbon, Inc. (Robinson Carbon). See 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Robinson Carbon's calcined coke production facility at R.R. 3, P.O. Box 719, Robinson, Crawford County. The People allege that Robinson Carbon violated Section 9(a) and (b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) (2004)); 35 Ill. Adm. Code 201.141 and 212.321; and conditions 7, 9, and 9(a) of operating permit number 7511042 by (1) operating a kiln and cooler in a manner that emissions exceeded the standard for particulate material; and (2) continuing to operate its kiln while emission controls were inoperable and without providing notice to the Illinois Environmental Protection Agency (Agency).

On January 20, 2006, the People filed a motion for leave to file first amended complaint (Mot.), accompanied by the People's first amended complaint (Am. Comp.). The People state that, since filing the original complaint in this case, the Agency has "conducted additional inspection of Respondent's facility," and that those "inspectors identified alleged additional violations." Mot. at 1. The People further state that "[t]he First Amended Complaint adds counts III through V which set forth additional alleged violations." *Id.*

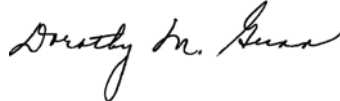
Count III of the amended complaint alleges that Robinson Carbon violated Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(1) (2004)) and Section 5.6.6 a of its Clean Air Act Permit Program (CAAPP) permit 95120092 by not having the records required in conditions 7.1.9 a-b, 7.2.9 c-d, and 7.3.9 a-c of that permit. Am Comp. at 9. Count IV of the amended complaint alleges that Robinson Carbon violated Section 39.5(6)(a) of the Act (415 ILCS 39.5(6)(a) (2004) and condition 7.2.10 of CAAPP permit 95120092 by failing to submit an initial telephone notification of the incident of repairing an exhaust fan housing. Am. Comp. at 12. Count V of the amended complaint alleges that Robinson Carbon violated Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2004)) and condition 9.6.1 of its CAAPP permit 95120092 by failing to maintain records regarding maintenance of air pollution equipment required under its CAAPP permit. Am. Comp. at 14-15.

The People also state that granting the motion will serve judicial efficiency and “will allow the parties to resolve the outstanding alleged violations within the context of a single enforcement action rather than multiple actions.” Mot at 1.

The Board’s procedural rules provide that, “within 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion.” 35 Ill. Adm. Code 101.500(d). Robinson Carbon has neither responded to the motion nor sought additional time to do so. *See id.* Accordingly, the Board grants the People’s motion for leave to file the first amended complaint and accepts the amended complaint.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 16, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board