

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO.
)	(Enforcement - Water)
)	
DRESSLER TRUCK SERVICE,)	
A Missouri corporation)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that today, November 13, 2018, I have electronically filed with the Office of the Illinois Pollution Control Board the following Complaint, a true and correct copy of which is hereto attached and hereby served upon you.

Pursuant to 35 Ill. Adm. Code 103.204(f), I am required to state that your failure to file an answer to this Complaint within 60 (sixty) days may have severe consequences. Failure to answer will mean that all allegations in the 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.

NOTIFICATION

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act (20ILCS 3515/1 *et seq.*) to correct the alleged pollution.

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

By: /s/ Molly H. Snittjer
Molly H. Snittjer
Assistant Attorney General
Environmental Bureau
69 W. Washington Street, 18th Floor
Chicago, IL 60602
(312) 814-1511
msnittjer@atg.state.il.us

CERTIFICATE OF SERVICE

I, Molly H. Snittjer, Assistant Attorney General, do hereby certify that I mailed a copy of the attached Notice of Electronic Filing and the Complaint filed in the above referenced case on the Respondent, Dressler Truck Service, Charles Dressler, Registered Agent, 409 West Apple Street, Freeburg, Illinois, 62243, by certified mail with return receipt requested and by electronic mail, today, November 13, 2018, prior to the hour of 5:00 p.m.

/s/ Molly H. Snittjer
Molly H. Snittjer

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 2018-
)	(Enforcement-Air)
)	
DRESSLER TRUCK SERVICE, INC.,)	
a Missouri corporation,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, DRESSLER TRUCK SERVICE, INC., a Missouri 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 Lisa Madigan, Attorney General of the State of Illinois, 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 (2016).

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 (2016), and charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, Dressler Truck Service, Inc., is a Missouri corporation in good

standing and authorized to do business in the State of Illinois by the Illinois Secretary of State.

4. At all times relevant to this Complaint, Respondent was and is the operator of a grain elevator located at 409 West Apple Street, Freeburg, St. Clair County, Illinois 62243 (“Facility”).

5. The Facility’s operations include grain receiving, grain cleaning, grain drying, transfer, and grain loadout operations.

6. The Facility’s processes emit or are capable of emitting particulate matter into the environment.

7. On June 23, 1999, Illinois EPA issued the Facility a Lifetime Operating Permit for Grain Elevator no. 95050206.

8. Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), 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.

9. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), 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.

10. Respondent is a “person” as that term is defined in Section 3.315 the Act, 415 ILCS 5/3.315 (2016).

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides the following definition:

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

12. Particulate matter is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2016).

13. 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.

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. Respondent 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. Respondent, 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. On February 2, 2018, Respondent submitted to the Illinois EPA its AER for calendar year 2014. The AER was incomplete as it did not contain all the required information. Specifically, the page on which actual emissions were required to be reported was left blank.

24. On August 9, 2018, Respondent submitted to the Illinois EPA complete AERs for calendar years 2011, 2012, 2014, 2015 and 2017.

25. The complete AER for calendar year 2011 was submitted 2,291 days late.
26. The complete AER for calendar year 2012 was submitted 1,926 days late.
27. The complete AER for calendar year 2014 was submitted 1,196 days late.
28. The complete AER for calendar year 2015 was submitted 830 days late.
29. The complete AER for calendar year 2017 was submitted 100 days late.
30. By failing to timely submit a complete and accurate AER for calendar years 2011, 2012, 2014, 2015 and 2017, Respondent violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

31. By violating Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), Respondent violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order in favor of Complainant and against Respondent, DRESSLER TRUCK SERVICE, INC., for the following relief:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);
3. Ordering the Respondent to cease and desist from any further violations of Section

9(a) of the Act, 415 ILCS 5/9(a) (2016), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

4. 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 penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

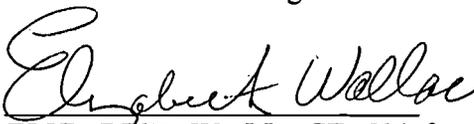
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

Respectfully submitted,

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

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

BY: 
ELIZABETH WALLACE, Chief
Environmental Bureau

Of Counsel:

Molly H. Snittjer
Assistant Attorney General
Environmental Bureau
Office of the Illinois Attorney General
69 West Washington St.
Chicago, IL 60602
Ph: (312) 814-1511
Primary: msnittjer@atg.state.il.us
Secondary: mcacaccio@atg.state.il.us