

PEOPLE OF THE STATE OF ILLINOIS, )  
 by KWAME RAOUL, Attorney General )  
 of the State of Illinois, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DRESSLER TRUCK SERVICE, INC., )  
 a Missouri corporation, )  
 )  
 Respondent. )

PCB No. 19-73  
 (Enforcement-Air)

**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that on April 12, 2019 Complainant filed its Motion to Deem Facts Admitted and for Summary Judgment, a copy of which is attached hereto and served upon you.

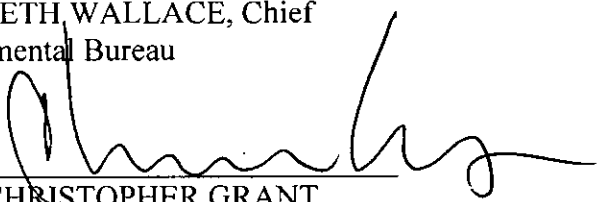
PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL  
 Attorney General of the State of Illinois

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

ELIZABETH WALLACE, Chief  
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BY:



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 by KWAME RAOUL, Attorney General )  
 of the State of Illinois, )  
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 Complainant, )  
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 DRESSLER TRUCK SERVICE, INC., )  
 a Missouri corporation, )  
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 Respondent. )

PCB No. 19-73  
(Enforcement-Air)

**I. MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGEMENT**

Now comes the Complainant, PEOPLE OF THE STATE OF ILLINOIS, ex rel. KWAME RAOUL, Attorney General of the State of Illinois, and requests that the Illinois Pollution Control Board ("Board"), pursuant to 35 Ill. Adm. Code 103.204 and 101.516 deem all material facts alleged in the Complaint against the Respondent, DRESSLER TRUCK SERVICE INC. ("Dressler") to be admitted, and to grant summary judgment in favor of Complainant and against Respondent on Counts I and II of the Complaint. In support thereof, Complainant states as follows:

1. This action was brought on behalf of the People of the State of Illinois by the Attorney General of the State of Illinois, on his own motion, and upon the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2016).

2. Complainant filed the Complaint in this matter on November 13, 2018. The

Notice of Electronic Filing included all required Board admonishments to Respondent.

3. Respondent was served by certified mail sent November 13, 2018 directed to the registered agent of the corporation, Mr. Charles Dressler, at the corporation's registered address (see: *Exhibit A*, p. 9, tracking No. 70162070000026236288). Although no "green card" receipt was received back from the postal service, USPS tracking records indicate that the Complaint was delivered to the registered address of the Respondent on November 16, 2018 (*Exhibit B*, tracking No. 70162070000026236288). Further, Mr. Jason Dressler, a representative of the Respondent, appeared at two status hearings on behalf of Respondent, January 9, 2019 and February 11, 2019. Thus, despite the lack of a signed "green card" receipt, it is clear that service of the Complaint was accomplished by Certified Mail.

4. As reflected in the Hearing Officer Orders for the January 9, 2019 and February 11, 2019 phone statuses, the Parties attempted to reach settlement, and agreed to defer an appearance and answer to the Complaint.

5. Settlement discussions were not successful. On March 11, 2019, counsel for Complainant so advised Hearing Officer Webb, who directed that an attorney appearance and answer be filed within 30 days, or by April 10, 2019.

6. As of the date of filing this Motion, more than 60 days have passed since service of the Complaint, and more than 30 days have passed since March 11, 2019, the date of the Hearing Officer order requiring an answer and appearance. However, as of the date of filing this Motion, Respondent has failed to file an answer and appearance, or other responsive pleading to the Complaint.

7. Section 103.204 of the Board Procedural Rules, 35 Ill. Adm. Code 103.204,

provides, in pertinent part, as follows:

**Section 103.204 Notice, Complaint, and Answer**

\* \* \*

- d) Except as provided in subsection (e), the respondent must file an answer within 60 days after receipt of the complaint if respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer, unless respondent asserts a lack of knowledge sufficient to form a belief. Any facts constituting an affirmative defense must be plainly set forth before hearing in the answer or in a supplemental answer, unless the affirmative defense could not have been known before hearing.

8. Complainant requests that the Board find, pursuant to Section 103.204 of the Board Procedural Rules, 35 Ill. Adm. Code 103.204, that all material allegations of the complaint are deemed to be admitted by Respondent.

9. In the Complaint, Complainant sufficiently alleges the following violations of the Act, Board regulations, and Illinois EPA regulations against the Respondent:

Count I: FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE ANNUAL EMISSION REPORTS, violation of Section 9(a) of the Act, 415 ILCS 5/9(a), and 35 Ill. Adm. Code Sections 201.302(a), and 254.132(a).

10. 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.

11. 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).

12. 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.

13. 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.

14. If deemed admitted, the facts alleged in the Complaint are sufficient to establish the alleged violations. Complainant alleges:

- a. Respondent operates a grain elevator in Freeburg Illinois (*Complaint*, par.4). Respondent's facility is covered by and Illinois EPA-issued Lifetime Operating Permit (*Complaint*, par. 7).
- b. Respondent's operations at the grain elevator are capable of emitting particulate matter into the environment (*Complaint*, par. 6). Particulate matter is a "contaminant" (*Complaint*, par. 12).
- c. Respondent is required to submit annual emission reports ("AERs") to Illinois EPA annually in accordance with 35 Ill. Adm. Code Sections 201.302(a), 254.132(a) and 254.137(a) (*Complaint*, Count I, paragraphs 22).
- d. Respondent repeatedly failed to timely submit AERs to Illinois EPA. Specifically, AERs for the years 2011, 2012, 2014, 2015, and 2017 were all submitted on August 9, 2018. (*Complaint*, Count I, par. 24). AER's

for these years (which were each due by May 1 of the following year, were submitted between 100 days late (2017 report) and 2,291 days late (2011 report) (*Complaint*, Count I, paragraphs 25 through 29).

15. Although the admitted facts establish that Respondent applied for and obtained a lifetime operating permit, Complainant also attaches additional evidence in support of its allegations that Respondent was *required* to obtain its permit, and therefore required to submit annual AERs. Section 201.302 of the Board regulations expressly applies to sources “...*meeting the criteria contained in 35 Ill. Adm. Code 254.102...*”. This regulation provides, in pertinent part:

**Section 254.102 Applicability**

\* \* \*

- b) Subpart C of this Part applies to the owner or operator of any source of regulated air pollutants required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is not subject to subsection (a) of this Section.

16. The provisions of Section 201 applicable to Respondent’s facility are found in Sections 201.144 and 201.146 of the Board regulations:

**Section 201.144 Operating Permits for Existing Sources**

No person shall cause or allow the operation of any existing emission source or any existing air pollution control equipment without first obtaining an operating permit from the Agency, except as provided in Section 201.146. Dates on which permits were required are shown in Appendix C.

**Section 201.146 Exemptions from State Permit Requirements**

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements,

including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

\* \* \*

- s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;

17. As admitted by Respondent in submissions to the Illinois EPA, the exemption contained in Section 201.146 does not apply to its facility. For example, Respondent's 2014 AER (signed by Jason Dressler and submitted to Illinois EPA on August 9, 2018), reports grain handling operations totaling 436,255.24 bushels during 2014 (*Exhibit C*, p.5). As operator of a grain handling operation with a thru-put over 300,000 bushels, the Respondent was required to, and did obtain a lifetime operating permit under Section 201.144. Because Respondent was obligated to obtain a permit, it was also required to comply with the AER submission requirements of 35 Ill. Adm. Code Sections 254.102 and 201.302(a).

18. Section 101.516 of the Board Procedural Rules, 35 Ill. Adm. Code 101.516 provides, in pertinent part, as follows:

\* \* \*

- b) If the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law, the Board will enter summary judgment.

19. If the Board deems the facts plead in the Complaint admitted, these facts, along with *Exhibit C*, demonstrate that there is no genuine issue of this fact regarding the violations alleged in Count I, and Complainant is entitled to summary judgment on these violations.

20. The Respondent repeatedly failed to submit AERs to Illinois EPA by May 1 of the

following year, as required by 35 Ill. Adm. Code 254.137(a). By failing to submit timely AERs for the years 2011, 2012, 2014, 2015 and 2017, the Respondent violated 35 Ill. Adm. Code Sections 201.302(a), 254.132(a), and 254.137(a).

21. By causing, threatening, or allowing the discharge of contaminants into the environment in violation of 35 Ill. Adm. Code Sections 201.302(a) and 254.137(a), which are “regulations or standards adopted by the Board”, the Respondent also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016).

## **II. REQUESTED REMEDY**

As remedy for the violations alleged in the Complaint, Complainant seeks a civil penalty in the amount of fifteen thousand dollars (\$15,000) and an order directing the Respondent to cease and desist from future violations. Complainant acknowledges that, in its discretion, the Board may direct that a hearing be held to consider the factors enumerated in Sections 33(c) and 42(h) of the Act, 415 ILCS 5/33(c) and 5/42(h) (2016). However, Complainant asserts that a formal hearing in St. Clair County is not necessary for the Board to grant the requested relief, given the admitted facts and the statutory and regulatory basis for the requirement for AERs. Accordingly, Complaint requests that the Board consider Complainant’s proposed findings regarding these factors and grant the requested relief without need for a hearing.

### **Complainant’s Review of Section 33(c) Factors**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2016), provides as follows:

*In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:*

1. *the character and degree of injury to, or interference with the protection*



*of the health, general welfare and physical property of the people;*

Complainant asserts that Respondent's violations impaired Illinois EPA's ability to gather accurate information regarding emission of regulated contaminants in the State of Illinois. Section 254.101 of the Illinois EPA regulations, 35 Ill. Adm. Code 254.101, describes the reasons for this reporting requirement:

**Section 254.101 Purpose**

This Part establishes uniform procedures for the reporting of air pollution emissions data from sources of regulated air pollutants and the reporting of seasonal emissions from sources participating in the Emissions Reduction Market System (ERMS). These reports will be used to update the Agency's emissions inventory, to enable the State to comply with the inventory and reporting requirements of Section 182(a) of the Clean Air Act (42 USC 7401 et seq.), and to fulfill the requirements for the ERMS seasonal adjustment period reporting required by 35 Ill. Adm. Code 205.300 and 205.760. The procedures presented in this Part implement the provisions of 35 Ill. Adm. Code 201.302(a), 201.302(b), 205.300 and 205.760.

Section 182 (a)(1) of the Clean Air Act ("CAA"), 42 USC 7511a (a)(1), requires participating states to "...submit a comprehensive, accurate, current inventory of actual emission from all sources...". Section 182 (a)(3) of the CAA, 42 USC 7511a (a)(3), requires states to periodically submit a revised emission inventory. Therefore, noncompliance with the emission reporting requirements of 35 Ill. Adm. Code 201.302(a) prevents Illinois EPA from providing a "comprehensive, accurate, current inventory" as required under the CAA. Respondent's repeated failures to submit the required information therefore impaired Illinois EPA's inventory and reporting requirements under the CAA, thus interfering with the protection of health and general welfare.

2. *the social and economic value of the pollution source;*

Complainant asserts that there is social and economic value to Respondent's grain handling operations, provided that these activities are conducted in compliance with applicable regulations.

3. *the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;*

Complainant has no information regarding the suitability or unsuitability of Respondent's grain handling operations to its location.

4. *the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source;*

Complainant asserts that timely and regular submission of annual AERs is technically feasible and economically reasonable, as shown by Respondent's submission of AERs for the years 2011, 2012, 2014, 2015 and 2017 on August 9, 2018.

5. *any subsequent compliance.*

On August 9, 2018, Respondent submitted AERs for 2011, 2012, 2014, 2015 and 2017.

#### **Complainant's Summary of Section 33(c) Factors**

Complainant asserts that the Section 33(c) factors support the imposition of a civil penalty and order to cease and desist from future violations.

#### **Complainant's Review of Section 42(h) Factors**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2016), provides as follows:

*In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:*

1. *The duration and gravity of the violation;*

Respondent's violations continued intermittently from 2012 until 2018. The duration of the violations is at least 2,291 days for the late-submitted 2011 AER. As alleged for all years, Respondent was in violation for 6,343 days. Pursuant to 415 ILCS 5/42(a), the violations subject the Respondent to maximum daily penalties of \$63,430,000.00.

2. *the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief there from as provided by this Act;*

The Respondent was not diligent in attempting to comply with the requirements of the Act and regulations. Respondent applied for and obtained its lifetime operating permit in 1999, and therefore knew it was regulated under the Board air pollution, permitting, and reporting regulations. However, Respondent failed to timely provide AERs for 2011, 2012, 2014, 2015, and 2017. For the purpose of assessing and evaluating the Respondent's diligence the Board is also entitled to conclude that Respondent did provide AERs in other years, such as 2013, and was therefore fully aware of the annual requirement. Respondent's failure to ensure regular, timely compliance with the reporting requirements shows a lack of diligence in attempting to comply with the requirements of the Act.

3. *any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;*

Complainant lacks information regarding the economic benefit accruing to the Respondent as a result of its violations.

4. *the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly*

*subject to the Act;*

To obtain the historical emission information required for its own reporting requirements from the Respondent, Illinois EPA was compelled to initiate this enforcement case and dedicate State resources to compel production of the information. The Board should assess an appropriate civil penalty in this case to ensure *voluntary* compliance by emission sources in Illinois, including the Respondent. Based on the specific facts of this case, including the size of the Respondent and the nature of its emissions, Complainant believes that a civil penalty of \$15,000.00 will encourage voluntary compliance by the Respondent and others.

5. *the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;*

Complainant is not aware of any previously adjudicated violations of the Act by the Respondent.

6. *whether the respondent voluntarily self-disclosed, in accordance with subsection I of this Section, the non-compliance to the Agency; and*

The Respondent did not self disclose its non-compliance to the Illinois EPA

7. *whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform;*

No supplemental environmental project has been proposed by the Respondent.

8. *whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.*

No Compliance Commitment Agreement has been proposed or completed by the Respondent.

**Summary of Section 42(h) Factors**

Complainant asserts that the facts in this matter support civil penalty assessed against the Respondent in the amount of \$15,000.00, along with an order directing the Respondent to cease and desist from future violations.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board issue an order in favor of Complainant and against Respondent DRESSLER TRUCK SERVICE INC.:

- a. Deeming all material allegations in the Complaint to be admitted;
- b. Granting summary judgment in favor of Complainant and against the Respondent on Count I;
- c. Finding that the Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9 (a) (2016), and 35 Ill. Adm. Code Sections 201.302(a) and 254.132(a);
- d. Ordering the Respondent to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9 (a) (2016), and 35 Ill. Adm. Code Sections 201.302(a) and 254.132(a);
- e. Assessing a civil penalty of \$15,000.00 against the Respondent;
- f. Alternatively, setting a date for hearing on the appropriate remedy for the violations;
- g. Pursuant to 415 ILCS 5/42(f), requiring the Respondent to pay Complainant's hearing costs, including but not limited to travel costs, reasonable attorney, consultant, and expert witness fees; and
- h. granting such other relief as the Board deems appropriate and just.

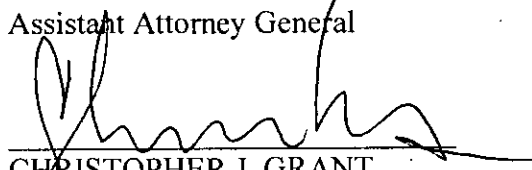
Respectfully Submitted,

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

ELIZABETH WALLACE, Chief  
Environmental Bureau North  
Assistant Attorney General

BY:

  
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Senior Assistant Attorney General  
Environmental Bureau  
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(312) 814-5388

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# EXHIBIT A

**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.

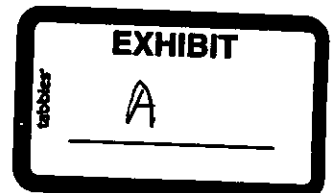
Pursuant to 35 Ill. Adm. Code 103.204(f), I am required to state that your failure to file an answer to this Complaint within 60 (sixty) days may have severe consequences. Failure to answer will mean that all allegations in the Complaint will be taken as if admitted for purposes of this proceeding. If 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, 18<sup>th</sup> 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, )  
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 Complainant, )  
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 v. )  
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 DRESSLER TRUCK SERVICE, INC., )  
 a Missouri corporation, )  
 )  
 Respondent. )

PCB No. 2018-  
(Enforcement-Air)

**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;

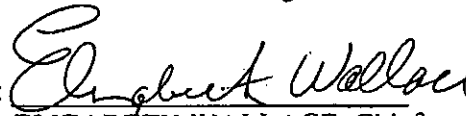
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

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](mailto:msnittjer@atg.state.il.us)  
Secondary: [mcacaccio@atg.state.il.us](mailto:mcacaccio@atg.state.il.us)

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLD AT DOTTED LINE  
**CERTIFIED MAIL®**



7016 2070 0000 2623 6288  
 7016 2070 0000 2623 6288

U.S. Postal Service CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage \$ _____	
Sent To Street and City, State	Charles Dressler Dressler Truck Service 409 Apple Street Freeburg, IL 62243
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles Dressler  
 Dressler Truck Service  
 409 Apple Street  
 Freeburg, IL 62243



2. Article Number (Transfer from service label)

7016 2070 0000 2623 6288

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) G. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input checked="" type="checkbox"/> Return Receipt for Merchandise  |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |



# EXHIBIT B

# USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

**Track Another Package +**

**Tracking Number:** 70162070000026236288

Remove X

Your item was delivered to an individual at the address at 10:27 am on November 16, 2018 in FREEBURG, IL 62243.

## **Delivered**

November 16, 2018 at 10:27 am  
Delivered, Left with Individual  
FREEBURG, IL 62243

Feedback

---

### Tracking History

**November 16, 2018, 10:27 am**

Delivered, Left with Individual  
FREEBURG, IL 62243

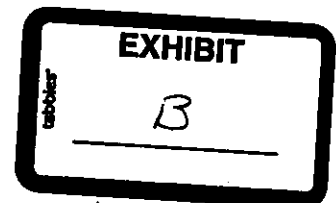
Your item was delivered to an individual at the address at 10:27 am on November 16, 2018 in FREEBURG, IL 62243.

**November 16, 2018, 2:14 am**

Departed USPS Regional Facility  
SAINT LOUIS MO DISTRIBUTION CENTER

**November 15, 2018, 10:09 am**

Arrived at USPS Regional Facility  
SAINT LOUIS MO DISTRIBUTION CENTER



**November 14, 2018**

In Transit to Next Facility

**November 13, 2018, 11:29 pm**

Arrived at USPS Regional Facility

BEDFORD PARK IL DISTRIBUTION CENTER

---

**Product Information**



---

**See Less** ^

## **Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

**FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**

Feedback

## The easiest tracking number is the one you don't have to know.

With Informed Delivery®, you never have to type in another tracking number. Sign up to:

- See images\* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.

### Sign Up

[https://reg.usps.com/entreg/RegistrationAction\\_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo%2FTrackConfirmAction%3FtRef=fullpage&tI.c=2&text28777=&tI.labels)

\*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.

Feedback

# EXHIBIT C

STATE OF ILLINOIS            )  
COUNTY OF SANGAMON        )

**CERTIFICATION**

I, David Asselmeier, being first duly sworn upon oath, depose and state as follows:

1. I am employed by the Illinois Environmental Protection Agency ("Illinois EPA") and serve as Unit Manager for the Data and Inventory Support Unit of the Bureau of Air's Air Quality Planning Section.
  
2. I am familiar with the Annual Emission Reports provided by emission sources in Illinois to the Illinois EPA.
  
3. The attached document is a true and accurate copy of the 2014 Annual Emission Report from Dressler Truck Service Inc. as maintained in Illinois EPA records.

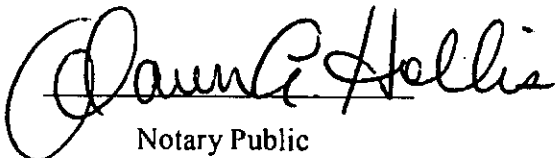


David Asselmeier

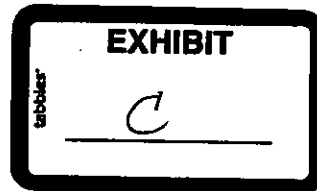
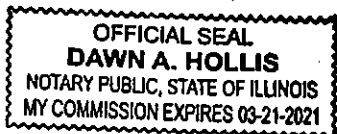
SUBSCRIBED AND SWORN TO BEFORE ME,

A notary public in and for the State of Illinois,

this 9<sup>th</sup> day of April, 2019



Notary Public



Report: APCA0511

Illinois Environmental Protection Agency  
 Division of Air Pollution Control  
 DAPC - ANNUAL EMISSIONS REPORT - 2014

Page: 01  
 Date: 08-02-2018

163060AAI - Dressler Truck Service Inc

- SOURCE DATA -

SOURCE  
 IDS AND  
 LOCATION

AIRS: 17-163-0016	IEPA USE ONLY	SIC 1: 5159	NAICS 1: 424590
FINDS: IL0001429661	IEPA USE ONLY	SIC 2:	NAICS 2:
FEIN: 371057825		SIC 3:	NAICS 3:
D&B: 07-713-5325		SIC 4:	NAICS 4:
LATITUDE: 38:25:23.3940		SIC 5:	NAICS 5:
LONGITUDE: 89:54:51.2568		SIC 6:	NAICS 6:

SOURCE  
 ADDRESS

Dressler Truck Service Inc	CONTACT: Jason Dressler	EXT:
	PHONE: 618-539-3015	
	FAX: 618-539-3043	
409 W Apple	ALT PHONE:	
Freeburg, IL 62243-1337	E-MAIL: grainman69@yahoo.com	

ANNUAL  
 EMISSION  
 REPORT  
 MAILING  
 ADDRESS

Dressler Truck Service Inc	CONTACT: Jason Dressler	EXT: SEP 11 2018
	PHONE: 618-539-3015	
	FAX: 618-539-3043	
409 W Apple	ALT PHONE:	REVIEWER: JKS
Freeburg, IL 62243-1337	E-MAIL: grainman69@yahoo.com	

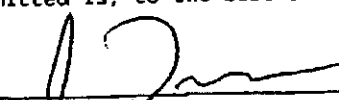
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 DIVISION OF RECORDS MANAGEMENT  
 RELEASABLE

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete.

AUG - 9 2018

Illinois Environmental Protection Agency  
 BUREAU OF AIR  
 STATE OF ILLINOIS

	DATE
AUTHORIZED SIGNATURE	08 5 39 3015
TYPED OR PRINTED NAME AND TITLE	TELEPHONE NUMBER

The Illinois EPA is authorized to require, and you must disclose, the information on this form pursuant to 35 Ill. Adm. Code 201.302(a, b) and 254. It is not necessary to use this form in providing the information. Failure to disclose the information may result in penalties as provided for in the Environmental Protection Act, 415 ILCS 5/24-45.

Report: APCA0511

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
DAPC - ANNUAL EMISSIONS REPORT - 2014

Page: 02  
Date: 08-02-2018

163060AA1 - Dressler Truck Service Inc

- ANNUAL SOURCE EMISSIONS -

POLLUTANT CODE	SOURCES REPORTED EMISSIONS FOR 2014 (TONS/YEAR)	EMISSIONS REPORTED FOR 2013 (TONS/YEAR)	IEPA 2014 ESTIMATED EMISSIONS (TONS/YEAR)
PART	<u>1.6872</u>	24.100000	24.100000
PM10	<u>0.5125</u>	12.720000	12.722800
PM2.5	<u>0.0866</u>	1.840000	1.835000



Report: APCA0511

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
DAPC - ANNUAL EMISSIONS REPORT - 2014

Page: 03  
Date: 08-02-2018

163060AAI - Dressler Truck Service Inc

- PERMIT LISTING -

PERMIT NUMBER	TYPE OF PERMIT	OPERATION NAME	STATUS	STATUS DATE	EXPIRES
95050206	LIFETIME	Grain elevator	GRANTED	06-23-1999	

Report: APCA0511

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
DAPC - ANNUAL EMISSIONS REPORT - 2014

Page: 04  
Date: 08-02-2018

163060AAI - Dressler Truck Service Inc

- Equipment Listing -

Emission Points

0001 Receiving  
0002 Drying (column)  
0003 Head house  
0004 Cleaning  
0005 Shipping (loadout)

Control Devices

Stacks

0001 Receiving  
0002 Drying (column)  
0003 Head house  
0004 Cleaning  
0005 Shipping (load out)

↑

Month	FREEBURG 2014			
	Corn	Bean	Wheat	Milo
December	2328.21	6431.31	135.00	0.00
January	3050.36	11891.65	0.00	0.00
February	1848.93	1811.67	0.00	0.00
March	16325.70	753.66	58.00	0.00
April	10012.52	0.00	288.00	0.00
May	3910.37	0.00	0.00	0.00
June	2039.29	1668.00	7299.01	0.00
July	1582.15	1821.66	1243.67	0.00
August	0.00	0.00	0.00	0.00
September	62918.93	1350.00	0.00	0.00
October	129405.64	113819.29	502.00	0.00
November	40838.25	12897.01	25.33	0.00
	<u>274260.35</u>	<u>152444.25</u>	<u>9551.01</u>	<u>0.00</u>

total bu 436255.24 divided by one million .436255

RECEIVING 0.436255 1.5 0.654382

DRYING

HEAD HOUSE 0.436255 0.0085 0.003708

CLEANING 0.436255 0.01 0.004362

SHIPPING 0.436255 0.12 0.05235

TOTAL 0.714802

274260.35 X	56	15358579.6 LB	7679.29 TONS
152444.25 X	60	9146655 LB	4573.33 TONS
9551.01 X	60	573060.6 LB	286.53 TONS

TOTAL

12539.15 TONS

# Grain Handling

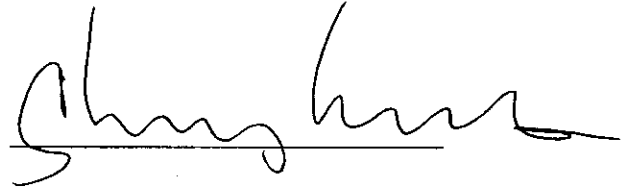
Note: You may use the default emission factors or enter your own. The Reset Defaults button will clear all Throughput data and reset the default emission factors.

	Throughput (tons/year)	PART Emissions (lbs/ton)	PM10 Emissions (lbs/ton)	PM2.5 Emissions (lbs/ton)	Control Efficiency (%)	PART Emissions (tons/year)	PM10 Emissions (tons/year)	PM2.5 Emissions (tons/year)
<b>Receiving</b>								
Straight Truck	6269.58	0.18	0.059	0.010	0.0	0.5643	0.1850	0.0313
Hopper Truck	6269.57	0.035	0.0078	0.0013	0.0	0.1097	0.0245	0.0041
Railcar		0.032	0.0078	0.0013	0.0	0	0	0
Barge - Continuous		0.029	0.0073	0.0019	0.0	0	0	0
Barge - Marine Leg		0.15	0.038	0.0050	0.0	0	0	0
Ships		0.15	0.038	0.0050	0.0	0	0	0
Cleaning	12539.15	0.075	0.019	0.0032	0.0	0.4702	0.1191	0.0201
Drying - Column		0.22	0.055	0.0094	0.0	0	0	0
Drying - Rack		3.0	0.75	0.13	0.0	0	0	0
Headhouse/Internal Transfer	12539.15	0.061	0.034	0.0058	99.0	0.0038	0.0021	0.0004
Storage Bin Vents		0.025	0.0063	0.0011	0.0	0	0	0
<b>Shipping/Load-out</b>								
Truck	12539.15	0.086	0.029	0.0049	0.0	0.5392	0.1818	0.0307
Rail		0.027	0.0022	0.00037	0.0	0	0	0
Barge		0.016	0.0040	0.00055	0.0	0	0	0
Ship		0.048	0.012	0.0022	0.0	0	0	0
<b>Totals</b>						<b>1.6872</b>	<b>0.5125</b>	<b>0.0866</b>

Calculate Emissions    Reset Defaults

**CERTIFICATE OF SERVICE**

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 12<sup>th</sup> day of April, 2019, Complainant's Motion to Deem Facts Admitted and for Summary Judgment, and Notice of Electronic Filing, upon the persons listed below by electronic mail and by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago, Illinois.

A handwritten signature in black ink, appearing to read 'Christopher Grant', written over a horizontal line.

CHRISTOPHER GRANT

**SERVICE LIST:**

Ms. Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
By electronic mail only:  
[Carol.Webb@Illinois.Gov](mailto:Carol.Webb@Illinois.Gov)

Dressler Truck Service, Inc.  
c/o Charles Dressler, President  
409 W. Apple Street, P.O. Box 128  
Freeburg, IL 62243  
By First Class Mail and electronic mail:  
[grainman69@yahoo.com](mailto:grainman69@yahoo.com)