

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 14-114
)	(Enforcement – Air)
HENDRICKSON USA, L.L.C.,)	
a Delaware corporation,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

TO: Sean Coleman
Hendrickson Bumper and Trim
501 Caton Farm Road
Crest Hill, IL 60435
(Sent via certified mail)

PLEASE TAKE NOTICE that on May 14, 2014, we filed the First Amended Complaint in this matter with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing. A true and accurate copy of the original Complaint was previously served upon you. Financing may be available, through the Illinois Environmental Facilities Financing Act, to correct the violations alleged in the Complaint.

Failure to file an answer to this complaint within 60 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.

RESPECTUFLY SUBMITTED,

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

BY: 
Sammy David
Environmental Bureau
Assistant Attorney General
69 W. Washington Street, #1800
Chicago, Illinois 60602
(312) 814-3816

CERTIFICATE OF SERVICE

I, Sammy David, an Assistant Attorney General, do certify that I caused to be served this 14th day of May, 2014, the attached Notice of Electronic Filing and Plaintiff's First Amended Complaint, upon the persons listed below by placing a true and correct copy in an envelope, first class postage prepaid, and depositing same with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

Sean Coleman
Hendrickson Bumper and Trim
501 Caton Farm Road
Crest Hill, IL 60435
(Sent via certified mail)

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
(Via Regular Mail)



SAMMY DAVID

4. At all times relevant to this Complaint, Respondent HENDRICKSON USA has operated Hendrickson Bumper & Trim, an automotive parts manufacturing facility located at 501 Caton Farm Road, Crest Hill, Will County, Illinois ("Facility").

5. Emission units at the Facility include five (5) stamping presses, manual clean up operations, four (4) cold cleaning degreasers, and a spray paint booth with dry paint filters and a curing oven. The emission units emit, or are capable of emitting, volatile organic material ("VOM") into the environment.

6. Respondent's operation of the Facility is subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and the Illinois EPA. The Board's regulations to control air pollution in Illinois are found in title 35, Subtitle B, Chapter I of the Illinois Administrative Code ("Board Air Pollution Regulations"). The Illinois EPA's regulations to control air pollution in Illinois are found in Title 35, Subtitle B, Chapter II of the Illinois Administrative Code ("Illinois EPA Air Pollution Regulations").

7. Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), 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.

8. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), 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.

9. Hendrickson USA is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2012).

10. Section 3.165 of the Act, 415 ILCS 5/3.165 (2012), provides the following definition:

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

11. VOM is a "contaminant" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2012).

12. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

- (a) The owner or operator of any emission unit or air pollution control equipment shall submit to the Agency as a minimum, annual reports detailing the nature, specific source and total annual quantities of all specified air contaminant emissions, provided, however, that the Agency may require more frequent reports where necessary to accomplish the purposes of the Act and this Chapter.

13. 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.

14. 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.

15. 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.

16. The equipment described in paragraph 5, above, constitutes parts or activities at a "stationary source", as that term is defined in Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, that emits an "air pollutant" in the form of VOM.

17. Respondent's stamping presses, manual clean up operations, cold cleaning degreasers, and a spray paint booth with dry paint filters and curing oven are all "emission units" as that term is defined in Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950.

18. 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.

19. Respondent is the "owner or operator" of the emission units as that term is defined in Section 211.4370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4370.

20. As the owner or operator of emission units, Respondent is required to submit annual emissions reports to the Illinois EPA.

21. 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).

22. Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm.

Code 254.137(a), provides as follows:

(a) All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

23. On or around July 19, 2013, approximately 80 days after it was due, Respondent submitted its Annual Emissions Report ("AER") for the calendar year 2012 to the Illinois EPA.

24. Respondent failed to timely submit an AER for the calendar year 2012, in violation of Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a), thereby violating Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a).

25. By violating Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), Respondent violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, HENDRICKSON USA, L.L.C., on this Count I:

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) (2012), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a);

3. Ordering the Respondent to cease and desist from future violations of Section 9(a)

of the Act, 415 ILCS 5/9(a) (2012), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a);

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against the Respondent for each violation of the Act and regulations, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

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

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

By:



ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

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