

ILLINOIS POLLUTION CONTROL BOARD

June 26, 2025

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 25-14
)	(Enforcement - Air
IMPERIAL ZINC CORP., an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A. Tin):

On September 27, 2024, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Imperial Zinc Corp. (Imperial Zinc). The complaint concerns Imperial Zinc's secondary zinc processing facility located at 1031 East 103rd Street in Chicago, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2024)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2024); 35 Ill. Adm. Code 103. In this case, the People allege that Imperial Zinc violated Sections 9(a), 9(b) and 9.12(a) of the Act (415 ILCS 5/9(a), 9(b), 9.12(a) (2022)); Sections 201.142, 201.143, 201.301, 201.302(a), and 254.132(a) of the Board's air pollution rules (35 Ill. Adm. Code 201.142, 201.143, 201.301, 201.302(a), 254.132(a)); and Conditions 5(a), 5(b), 6, and 7 of its 2001 Facility Lifetime Operating Permit.

The People allege that Imperial Zinc violated these authorities by commencing construction of new emission sources without obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA); operating new emission sources without applying for or obtaining an operating permit from IEPA; failing to pay a construction permit fee to IEPA; failing to timely submit complete and accurate annual emissions reports for calendar years 2009 through 2018; failing to retain records and logs in an accessible location to make them available for inspection by IEPA; constructing, installing, or operating any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution so as to violate permit conditions; causing, threatening, or allowing the discharge or emission of particulate matter so as to violate a Board rule; failing to maintain monthly records of the process rate for throughput; failing to maintain monthly records of natural gas use; and failing to submit timely exceedance reports to IEPA.

On May 12, 2025, the People and Imperial Zinc filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2024)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2024)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *Chicago Sun Times* on May 19, 2025. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2024); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Imperial Zinc's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2024)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Imperial Zinc does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2024)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Imperial Zinc agrees to pay a civil penalty of \$87,500 within 30 days after the date of this order. The People and Imperial Zinc have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Imperial Zinc must pay a civil penalty of \$87,500 no later than July 28, 2025, which is the first business day following the 30th day after the date of this order. Imperial Zinc must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.

3. Imperial Zinc must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
2520 W. Iles Ave.
P.O. Box 19276
Springfield, Illinois 62794-9276

Imperial Zinc must send a copy of the certified check or money order to:

Kevin Garstka
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
Kevin.Garstka@ilag.gov

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2024)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2024)).
5. Imperial Zinc must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

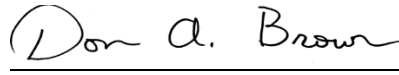
IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2024); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Kevin Garstka Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 69 W. Washington Street, Suite 1800 Chicago, Illinois 60602 Kevin.Garstka@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St., Ste. 630 Chicago, Illinois 60605 don.brown@illinois.gov
Imperial Zinc Corp. Ann M. Zwick	

Taft Stettinius & Hollister, LLP 111 E. Wacker Drive, Suite 2600 Chicago, IL 60601 azwick@taftlaw.com	
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 26, 2025, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board