



By: /s/ Kevin J. Garstka  
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**SERVICE LIST**

Meyer Industrial Container LLC  
c/o CT Corporation System  
208 S. LaSalle Street, Suite 814  
Chicago, IL 60604-1101

**CERTIFICATE OF SERVICE**

I, KEVIN J. GARSTKA, an Assistant Attorney General, certify that on the 24<sup>th</sup> day of June 2026, I caused to be served by Certified Mail Return Receipt Requested the foregoing Notice of Filing and Complaint to the person listed on the attached Service List by depositing the same in postage prepaid envelopes with the United States Postal Service located at 115 S. LaSalle Street, 23<sup>rd</sup> Floor, Chicago, Illinois 60603.

/s/ Kevin J. Garstka

KEVIN J. GARSTKA

Assistant Attorney General

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2. Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2024), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent was and is an Illinois limited liability company registered with the Illinois Secretary of State's Office and is in good standing.

4. Respondent operates a facility located at 610 West 81st Street, Chicago, Cook County, IL, 60620 ("Facility") that reconditions and recycles steel shipping containers ("Drums").

5. As of the date of filing of this Complaint, the Facility is located in an area of Environmental Justice ("EJ") concern as identified using Illinois EPA EJ Start.

6. At all times relevant to this Complaint, Respondent has operated emissions units at the Facility, including: a drum reclamation furnace, shot blasters, and coating lines. At the Facility, Respondent utilizes the drum reclamation furnace to clean and remove residue from Drums. Shot blasters are also used to complete the Drum cleaning process. The Drums are then coated with a protective finish at the coating lines.

7. On June 25, 2018, Illinois EPA issued a renewed Clean Air Act Permit Program ("CAAPP") Permit No. 95120062 to Respondent.

8. CAAPP Permit No. 95120062 allows Respondent to operate a drum cleaning reclamation furnace ("DRF") at the Facility. This process emits particulate matter ("PM"), including PM with diameters that are 2.5 micrometers and smaller ("PM<sub>2.5</sub>") and PM with diameters that are 10 micrometers and smaller (PM<sub>10</sub>), volatile organic material ("VOM"), and nitrogen oxide ("NO<sub>x</sub>").

9. The air pollution control device for the Facility's DRF is a permanent total enclosure with afterburner ("Permanent Total Enclosure"). A Permanent Total Enclosure is an

enclosure that completely surrounds a source such that all emissions are contained and directed to a control device.

10. Respondent's Permanent Total Enclosure must meet the requirements of Method 204. Under Chapter 40, Part 51, Appendix M of the Code of Federal Regulations ("C.F.R."), 40 C.F.R. pt. 51, app. M., Method 204 is a procedure that is used to determine whether a permanent enclosure meets the criteria for a total enclosure, including its capture efficiency.

11. On February 20, 2020, Illinois EPA inspected the Facility, finding that Respondent did not conduct the quarterly and annual inspections of the Permanent Total Enclosure using Method 204.

12. On October 21, 2020, Respondent conducted a Method 204 assessment at the Facility. This assessment revealed that the Permanent Total Enclosure did not comply with the requirements of Method 204 and required changes to meet Method 204 requirements.

13. On May 18, 2021, Respondent had completed the expansion of the Permanent Total Enclosure area and expected to complete another Method 204 assessment by the end of May.

14. On May 20, 2021, Respondent conducted a test of the Permanent Total Enclosure at Respondent's Facility ("May 20, 2021 Test"). Respondent prepared a report concluding that the Permanent Total Enclosure satisfied the criteria of Method 204 as configured at the time of the evaluation.

15. On March 24, 2022, Illinois EPA performed an inspection at the Facility and learned of the May 20, 2021 Test. The Illinois EPA had no records of the May 20, 2021 Test, and did not receive a written protocol prior to the date of the scheduled test. On March 24, 2022, emissions were escaping from the natural draft openings, including where the Drums exited the Permanent Total Enclosure.

16. On March 24, 2022, not all natural draft openings were identified in the report prepared by Respondent following the May 20, 2021 Test.

17. On March 24, 2022, the Permanent Total Enclosure failed to meet the requirements of Method 204.

18. On March 25, 2022, Respondent submitted a report of the May 20, 2021 Test to Illinois EPA, almost one year after the test was conducted.

19. On October 24, 2022, Respondent submitted a notification of testing to Illinois EPA, indicating that it intended to conduct testing on the Permanent Total Enclosure pursuant to Method 204 on November 1, 2022.

20. On November 1, 2022, Respondent conducted a test on the Permanent Total Enclosure, which indicated that the Permanent Total Enclosure did not satisfy the criteria of Method 204 (“November 1, 2022 Test”).

21. On November 14, 2022, Respondent submitted a notification of continued Method 204 testing to the Illinois EPA, which indicated that adjustments were made to the DRF and Respondent had repaired the Permanent Total Enclosure following the November 1, 2022 Test. Respondent informed Illinois EPA that it would conduct a retest of the Permanent Total Enclosure on November 18, 2022 (“November 18, 2022 Test”).

22. On December 1, 2022, Respondent submitted a deviation report to the Illinois EPA, stating that during the November 1, 2022 Test and November 18, 2022 Test, steam from the steam curtain of the DRF was escaping the Permanent Total Enclosure via the drum exit natural draft opening.

23. In its December 1, 2022 deviation report, Respondent also stated that on November 18, 2022, after conducting two tests of the Permanent Total Enclosure, Respondent did not pass the first test, but passed the second test.

24. On December 13, 2022, Respondent submitted a notification of testing to Illinois EPA indicating that it would conduct a retest of the Permanent Total Enclosure on December 21, 2022 (“December 21, 2022 Test”).

25. On January 20, 2023, Respondent submitted a report to Illinois EPA summarizing the December 21, 2022 Test results of the Permanent Total Enclosure. In this report, Respondent stated that the Permanent Total Enclosure passed the December 21, 2022 Test and met the criteria of Method 204.

26. Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), provides as follows:

No person shall:

- (a) Cause 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.

27. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), 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.

28. Respondent, a limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

29. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides as the following definition:

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

30. PM, PM<sub>2.5</sub>, PM<sub>10</sub>, VOM, and NO<sub>x</sub> are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

31. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), provides as follows:

6. Prohibitions.

- a. It shall be unlawful for any person to violate any terms or conditions or a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph (m) of subsection 7 of this Section.

32. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024), provides the following definitions:

“CAAPP” means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

“CAAPP Permit” or “permit” (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

“CAAPP source” means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

“Emission unit” means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term “unit” for purposes of Title IV of the Clean Air Act.

“Major Source” means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph (c) of subsection 2 of this Section.

“Owner or operator” means any person who owns, leases, operates, controls, or supervises a stationary source.

“Regulated air pollutant” means the following:

- (1) Nitrogen Oxides (NO<sub>x</sub>) or any volatile organic compound.
- (2) Any pollutant for which a national ambient air quality standard has been promulgated.
- (3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.
- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.
- (5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Section 112(g), (j) and (r).
  - (i) Any pollutant subject to requirements under Section 112(j) or the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.
  - (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.
- (6) Greenhouse gases.

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act . . .

33. At all times relevant to this Complaint, Respondent’s Facility has been, and continues to be, a building, structure, facility, or installation which emits or may emit regulated air pollutants, thereby constituting a “Stationary source” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

34. At all times relevant to this Complaint, Respondent has been, and continues to operate a DRF at the Facility, which is a stationary source, and has the potential to emit “regulated

air pollutants”, thereby constituting an “emission unit” as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

35. At all times relevant to this Complaint, Respondent has been, and continues to be, an owner and operator of the Facility, which is a stationary source, thereby constituting an “owner or operator” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

36. At all times relevant to this Complaint, Respondent’s Facility has been, and continues to be, a stationary source for which the owner or operator is required to obtain a “CAAPP Permit”, thereby constituting a “CAAPP source”, as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

37. Section 212.324(f) of the Illinois Pollution Control Board (“Board”)’s Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f), provides as follows:

Maintenance and Repair. For any process emission unit subject to subsection (a) of this Section, the owner or operator must maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in this Section will be met at all times. Proper maintenance must include the following requirements:

- 1) Visual inspections of air pollution control equipment;
- 2) Maintenance of an adequate inventory of spare parts; and
- 3) Expedient repairs, unless the emission unit is shutdown.

38. Condition 4.2.2(b)(i)(C) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace

2. Applicable Requirements.

(b)(i) Particulate Matter Requirements (PM and PM10)

(C) Pursuant to 35 IAC 212.324(f), for the drum cleaning reclamation furnace, the owner or operator shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards of 35 IAC

212.321(a) shall be met at all times. Proper maintenance shall include the following minimum requirements:

- I. Visual inspections or air pollution control equipment;
- II. Maintenance of an adequate inventory of spare parts; and
- III. Expeditious repairs, unless the emission unit is shutdown.

39. Condition 4.2.2(f)(i)(B) of CAAPP Permit No. 95120062 provides as follows:

4.2.2(f)(i) Work Practice Requirements

(B) Pursuant to 35 IAC 212.324(f) and Section 39.5(7)(a) of the Act, the Permittee for the Drum Cleaning Reclamation Furnace (DRF) shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards shall be met at all times. Proper maintenance shall include the following minimum requirements:

- I. Visual inspections of air pollution control equipment;
- II. Maintenance of an adequate inventory of spare parts; and
- III. Repairs, unless the emission unit is shutdown.

40. From at least February 20, 2020 to December 21, 2022, by failing its tests, Respondent failed to meet the requirements of Method 204 while operating the Permanent Total Enclosure.

41. From at least February 20, 2020 to December 21, 2022, by failing to meet the criteria of Method 204 while operating the Permanent Total Enclosure, Respondent failed to maintain and repair all air pollution control equipment in a manner that assures that the applicable emission limits and standards are met.

42. By failing to maintain and repair the Permanent Total Enclosure, Respondent violated Section 212.324(f) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f) and Conditions 4.2.2(b)(i)(C) and 4.2.2(f)(i)(B) of CAAPP Permit No. 95120062, and thereby also violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a)(2024).

43. Condition 2.3(c) of CAAPP Permit No. 95120062 provides as follows:

2.3 General Provisions

- (c) Duty to Maintain Equipment. The source shall maintain all equipment covered under this permit in such a manner that the performance or operation of such equipment shall not cause a violation of applicable requirements. (Section 39.5(7)(a) of the Act)

44. By failing to maintain the Permanent Total Enclosure, in violation of applicable requirements in Section 212.324(f) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f) and Conditions 4.2.2(b)(i)(C) and 4.2.2(f)(i)(B) of CAAPP Permit No. 95120062, Respondent violated Condition 2.3(c) of CAAPP Permit No. 95120062.

45. By violating Condition 2.3(c) of CAAPP Permit No. 95120062, Respondent also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 212.324(f) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f), and Conditions 2.3(c), 4.2.2(b)(i)(C), and 4.2.2(f)(i)(B) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 212.324(f) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.324(f), and Conditions 2.3(c), 4.2.2(b)(i)(C), and 4.2.2(f)(i)(B) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 2.3(c), 4.2.2(b)(i)(C), and 4.2.2(f)(i)(B) of CAAPP Permit No. 95120062;

5. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation described in this Count, other than 415 ILCS 5/39.5(6)(a) (2024), and Conditions 2.3(c), 4.2.2(b)(i)(C), and 4.2.2(f)(i)(B) of the CAAPP Permit No. 95120062, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

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

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

## **COUNT II**

### **FAILURE TO OPERATE DRUM CLEANING RECLAMATION FURNACE INSIDE A PERMANENT TOTAL ENCLOSURE FOR MINIMIZING VOM AND PM EMISSIONS**

1-35. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25 and 27 through 36 of Count I, as paragraphs 1 through 35 of this Count II.

36. Condition 4.2.2(f)(i)(A) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2. Applicable Requirements

(f)(i) Work Practice Requirements

(A) Pursuant to Permit #04020002, the Permittee shall operate the drum furnace inside the permanent total enclosure for minimizing VOM and PM emissions.

37. From at least October 21, 2020, or on a date better known to Respondent, to at least December 21, 2022, by failing to meet the criteria of Method 204 while operating the Permanent Total Enclosure, Respondent failed to operate the DRF inside the Permanent Total Enclosure as to minimize emissions of VOM and PM.

38. By failing to operate the DRF inside the permanent total enclosure as to minimize emissions of VOM and PM, Respondent violated Condition 4.2.2(f)(i)(A) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(f)(i)(A) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(f)(i)(A) of CAAPP Permit No. 95120062;

3. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(f)(i)(A) of CAAPP Permit No. 95120062;

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

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

**COUNT III**  
**FAILURE TO COMPLY WITH PM EMISSION LIMITS**

1-36. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 36 of Count I, as paragraphs 1 through 36 of this Count III.

37. Condition 4.2.2(b)(i)(A) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2 Applicable Requirements

(b)(i) Particulate Matter Requirements (PM and PM10)

- (A) Pursuant to 35 IAC 212.321(a), no person shall cause or allow the emission of PM into the atmosphere in any one hour period from the drum cleaning reclamation furnace which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, to exceed the allowable emission rates specified in 35 IAC 212.321(c) (See also Section 7.2(a))

38. Section 212.321(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.321(a), provides as follows:

Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of this Section.

39. Section 212.321(c) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.321(c), provides as follows:

- (c) Limits for Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lbs/hr
0.05	0.25	0.05	0.55
0.1	0.29	0.10	0.77
0.2	0.42	0.20	1.10
0.3	0.64	0.30	1.35
0.4	0.74	0.40	1.58
0.5	0.84	0.50	1.75
0.7	1.00	0.75	2.40
0.9	1.15	1.00	2.60
1.8	1.66	2.00	3.70
2.7	2.1	3.00	4.60
3.6	2.4	4.00	5.35
4.5	2.7	5.00	6.00
9.	3.9	10.00	8.70
13.	4.8	15.00	10.80
18.	5.7	20.00	12.50
23.	6.5	25.00	14.00
27.	7.1	30.00	15.60
32.	7.7	35.00	17.00
36.	8.2	40.00	18.20
41.	8.8	45.00	19.20
45.	9.3	50.00	20.50
90.	13.4	100.00	29.50
140.	17.0	150.00	37.00
180.	19.4	200.00	43.00
230.	22.	250.00	48.50
270.	24.	300.00	53.00
320.	26.	350.00	58.00
360.	28.	400.00	62.00
408.	30.1	450.00	66.00
454.	30.4	500.00	67.00

where:

P = Process weight rate in metric or T/hr, and  
 E = Allowable emission rate in kg/hr or lbs/hr.

40. Condition 4.2.2(b)(i)(D) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

(2) Applicable Requirements

(b)(i) Particulate Matter Requirements (PM and PM10)

(D) Pursuant to Permit #93080006, emissions and operation for the drum cleaning reclamation furnace shall not exceed the following limit:

Emission Unit	PM lb/hr	PM T/yr
Drum Cleaning Reclamation Furnace with afterburner	7.32	9.52

41. Condition 4.2.2(b)(ii)(F)(I) of CAAPP Permit No. 95120062 provides as follows:

Recordkeeping

(F) Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep the following records relating to PM emissions:

(I) Allowable PM emission rate, established by 35 IAC 212.321(a), with supporting calculations including the process weight rate.

42. From at least March 24, 2022, or at a date better known to Respondent, to at least December 21, 2022, Respondent caused or allowed visible emissions of PM into the atmosphere by operating the Permanent Total Enclosure with natural draft openings.

43. From at least March 24, 2022, or at a date better known to Respondent, to at least December 21, 2022, Respondent failed to keep records relating to its visible emissions of PM into the atmosphere by operating the Permanent Total Enclosure with natural draft openings.

44. By failing to keep records for its visible emissions of PM into the atmosphere by operating the Permanent Total Enclosure with natural draft openings, Respondent violated Condition 4.2.2(b)(ii)(F)(I) of CAAPP Permit No. 95120062.

45. On information and belief, by causing or allowing visible emissions of PM into the atmosphere by operating the Permanent Total Enclosure with natural draft openings and by failing to keep records of such emissions, Respondent exceeded the allowable PM emission limits

included in Condition 4.2.2(b)(i)(A) of CAAPP Permit No. 95120062 and Section 212.321(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.321(a).

46. By exceeding the emission limits included in Condition 4.2.2(b)(i)(A) of CAAPP Permit No. 95120062 and Section 212.321(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.321(a), Respondent violated Condition 4.2.2(b)(i)(A) of CAAPP Permit No. 95120062 and Section 212.321(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.321(a), and thereby violated Section 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024).

47. On information and belief, by causing or allowing visible emissions of PM into the atmosphere by operating the Permanent Total Enclosure with natural draft openings and by failing to keep records of such emissions, Respondent exceeded the emission limit of 7.32 lb/hr as set forth in in Condition 4.2.2(b)(i)(D) of CAAPP Permit No. 95120062.

48. By exceeding the emission limit of 7.32 lb/hr as set forth in in Condition 4.2.2(b)(i)(D) of CAAPP Permit No. 95120062, Respondent violated Condition 4.2.2(b)(i)(D) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count III:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 212.321(a) of the Board's Air Pollution Regulations, 35 Ill.

Adm. Code 212.321(a), and Conditions 4.2.2(b)(i)(A), 4.2.2(b)(i)(D), and 4.2.2(b)(ii)(F)(I) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 212.321(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.321(a), and Conditions 4.2.2(b)(i)(A), 4.2.2(b)(i)(D), and 4.2.2(b)(ii)(F)(I) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(b)(i)(A), 4.2.2(b)(i)(D), and 4.2.2(b)(ii)(F)(I) of CAAPP Permit No. 95120062;

5. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation described in this Count, other than 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(b)(i)(A), 4.2.2(b)(i)(D), and 4.2.2(b)(ii)(F)(I) of CAAPP Permit No. 95120062, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

6. 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.

**COUNT IV**  
**FAILURE TO COMPLY WITH VOM EMISSION LIMITS**

1-36. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 36 of Count I, as paragraphs 1 through 36 of this Count IV.

37. Condition 4.2.2(c)(i)(A) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2 Applicable Requirements

(c)(i) Volatile Organic Material requirements (VOM)

(A) Pursuant to Permit #9308006, emissions and operation of the drum cleaning reclamation furnace shall not exceed the following limits:

Emission Unit	VOM lb/hr	VOM T/yr
Drum Cleaning Reclamation Furnace with afterburner	8.00	10.4

38. Section 218.301 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.301, provides as follows:

No person shall cause or allow the discharge of more than 3.6 kg/hr (8.0 lbs/hr) of organic material into the atmosphere from any emission unit, except as provided in Section 218.302, 218.303, 218.304 of this Part and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.

39. From at least March 24, 2022, or on a date better known to Respondent, to at least December 21, 2022, Respondent caused or allowed emissions of VOM into the atmosphere by operating the Permanent Total Enclosure with natural draft openings.

40. Upon information and belief, by causing or allowing emissions of VOM into the atmosphere by operating the Permanent Total Enclosure with natural draft openings, Respondent exceeded the allowable VOM emission limit of 8.00 lb/hr.

41. By causing or allowing VOM to be emitted into the atmosphere in excess of the allowable VOM emission limit of 8.00 lb/hr as set forth in Condition 4.2.2(c)(i)(A) of CAAPP Permit No. 95120062, Respondent violated Condition 4.2.2(c)(i)(A) of CAAPP Permit No. 95120062, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

42. By causing or allowing VOM to be emitted into the atmosphere in excess of the allowable VOM emission limit of 8.0 lb/hr, Respondent violated Section 218.301 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count IV:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 4.2.2(c)(i)(A) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 4.2.2(c)(i)(A) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(c)(i)(A) of the CAAPP Permit No. 95120062;

5. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation described in this Count, other than 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(c)(i)(A) of the CAAPP

Permit No. 95120062, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

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

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

**COUNT V**  
**FAILURE TO COMPLY WITH NO<sub>x</sub> EMISSION LIMITS**

1-35. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25 and 27 through 36 of Count I, as paragraphs 1 through 35 of this Count V.

36. Condition 4.2.2(d)(i)(A) of the CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2 Applicable Requirements

(d)(i) Nitrogen Oxide Requirements

(A) Pursuant to Section 39.5(7)(a) of the Act and Consent Agreement and Final Order CAA-05-2017-0042, NO<sub>x</sub> emissions for controlled process emissions from the drum reclamation furnace shall not exceed 0.012 lbs/hr

37. Upon information and belief, from at least March 24, 2022, or on a date better known to Respondent, to at least December 21, 2022, Respondent caused or allowed emissions of NO<sub>x</sub> into the atmosphere in excess of 0.012 lbs/hr by operating the Permanent Total Enclosure with natural draft openings.

38. Upon information and belief, by causing or allowing NO<sub>x</sub> to be emitted into the atmosphere in excess of the allowable NO<sub>x</sub> emission limit of 0.012 lbs/hr, Respondent violated Condition 4.2.2(d)(i)(A) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count V:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024) and Condition 4.2.2(d)(i)(A) of CAAPP Permit No. 95120062;
3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(d)(i)(A) of CAAPP Permit No. 95120062;
4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition No. 4.2.2(d)(i)(A) of CAAPP Permit No. 95120062;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against the Respondent; and
5. Granting such other relief as the Board deems appropriate and just.

**COUNT VI**  
**FAILURE TO CONDUCT ANNUAL AND QUARTERLY INSPECTIONS FOR THE**  
**DRUM CLEANING RECLAMATION FURNACE'S PERMANENT TOTAL**  
**ENCLOSURE**

1-35. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25 and 27 through 36 of Count I, as paragraphs 1 through 35 of this Count VI.

36. Conditions 4.2.2(f)(ii)(A) and 4.2.2(f)(ii)(B) of CAAPP Permit No. 95120062 provide as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

(2) Applicable Requirements

(f)(ii). Compliance Method (Work Practice Requirements)

Monitoring

- (A) Pursuant to Section 39.5(7)(a) of the Act, the Permittee shall conduct quarterly inspections of integrity of [permanent total enclosure] Drum Cleaning Reclamation Furnace with associated afterburner and conduct any required maintenance or repair.
- (B) The permanent total enclosure on the drum furnace shall be inspected as specified in Method 204 of 40 CFR Part 51, Appendix M on annual basis and immediately following any physical modifications that are made to the permanent total enclosure.

37. On February 20, 2020, Illinois EPA inspected the Permanent Total Enclosure at the Facility. However, the Respondent's inspection records of the Permanent Total Enclosure did not identify all natural draft openings.

38. From at least February 20, 2019, or on a date or dates best known to Respondent, to at least December 21, 2022, Respondent did not conduct an annual inspection of the Permanent Total Enclosure, as specified in Method 204 of 40 C.F.R. pt. 51, app. M.

39. By failing to conduct an annual inspection of the Permanent Total Enclosure, Respondent violated Condition 4.2.2(f)(ii)(B) of CAAPP Permit No. 95120062.

40. In their quarterly inspections of the integrity of the Permanent Total Enclosure, Respondent failed to include all natural draft openings present in the permanent total enclosure, which was inconsistent with the requirements of Method 204 of 40 C.F.R. pt. 51, app. M.

41. By not including all the natural draft openings in their quarterly inspection of the integrity of the Permanent Total Enclosure, Respondent failed to conduct adequate quarterly

inspections, as specified in Method 204 of 40 C.F.R. pt. 51, app. M, thereby violating Condition 4.2.2(f)(ii)(A) of CAAPP Permit No. 95120062.

42. By violating Conditions 4.2.2(f)(ii)(A) and 4.2.2(f)(ii)(B) of CAAPP Permit No. 95120062, Respondent has thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count VI:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(f)(ii)(A) and 4.2.2(f)(ii)(B) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(f)(ii)(A) and 4.2.2(f)(ii)(B) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(f)(ii)(A) and 4.2.2(f)(ii)(B) of CAAPP Permit No. 95120062;

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.

**COUNT VII**  
**FAILURE TO CONDUCT SEMI-ANNUAL INSPECTIONS FOR DRUM**  
**RECLAMATION FURNACE**

1-35. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25 and 27 through 36 of Count I, as paragraphs 1 through 35 of this Count VII.

36. Condition 4.2.2(c)(ii)(A)(II) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2 Applicable Requirements

(c)(ii) Compliance method (VOM)

(A) Pursuant to Permit #9308006

(II) The condition of the Drum Cleaning Reclamation Furnace shall be inspected on a semi-annual basis for the presence of any deficiencies.

37. On information and belief, from at least October 21, 2020, or on a date better known to Respondent, to at least December 21, 2022, Respondent failed to conduct semi-annual inspections of the DRF to detect presence of any deficiencies.

38. On information and belief, by failing to conduct semi-annual inspections of the DRF for deficiencies, Respondent violated Condition 4.2.2(c)(ii)(A)(II) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count VII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(c)(ii)(A)(II) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(c)(ii)(A)(II) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.2(c)(ii)(A)(II) of CAAPP Permit No. 95120062;

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.

**COUNT VIII**  
**FAILURE TO SUBMIT NOTICES TO ILLINOIS EPA**

1-35. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25 and 27 through 36 of Count I, as paragraphs 1 through 35 of this Count VIII.

36. Condition 7.1(a) of CAAPP Permit No. 95120062 provides in pertinent part as follows:

7.1 Testing

- (a) Pursuant to Section 39.5(7)(a) of the Act, a written test protocol shall be submitted at least sixty (60) days prior to the actual date of testing, unless it is required otherwise in applicable state or federal statutes. The IEPA may at the discretion of the Compliance Section Manager (or designee) accept protocol less than 60 days prior to testing provided it does not interfere with the IEPA's ability to review and comment on the protocol and does not deviate from the applicable state or federal statutes. The protocol shall be submitted

to IEPA, Compliance Section and IEPA, Stack Test Specialist for its review. Addresses are included in Attachment 3. . .

37. 40 C.F.R. § 63.2 provides the following definition:

“Test Method” means the validated procedure for sampling, preparing, and analyzing for an air pollutant specified in a relevant standard as the performance test procedure. The test method may include methods described in an appendix of this chapter, test methods incorporated by reference in this part, or methods validated for an application through procedures in Method 301 of appendix A of this part.

38. Method 204, as it appears in 40 C.F.R. pt. 51, app. M, is a “test method” as that term is defined in 40 C.F.R. § 63.2.

39. Respondent did not submit a written test protocol to the Illinois EPA sixty (60) days prior to the May 20, 2021 Test, nor did Respondent submit notice indicating that they intended to utilize a written test protocol previously submitted.

40. By failing to submit a written test protocol to the Illinois EPA sixty (60) days prior to the May 20, 2021 Test, Respondent violated Condition 7.1(a) of the CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

41. Condition 7.1(b) of the CAAPP Permit No. 95120062 provides as follows:

7.1 Testing

(b) The IEPA, Compliance Section shall be notified prior to these tests to enable the IEPA to observe these tests pursuant to Section 39.7(a) of the Act as follows:

- i. Notification of the expected date of testing shall be submitted in writing a minimum of thirty (30) days prior to the expected test date, unless it is required otherwise in applicable state or federal statutes
- ii. Notification of the actual date and expected time or testing shall be submitted in writing a minimum of five (5) working days prior to the actual date of the test. The IEPA may at its discretion of the Compliance Section Manager (or designee) accept notifications with shorter advance notice provided

such notifications will not interfere with the IEPA's ability to observe testing.

42. Respondent failed to notify Illinois EPA of the May 20, 2021 Test in writing a minimum of thirty (30) days prior to the expected test date and five (5) days prior to the actual date and expected time of testing.

43. By failing to notify Illinois EPA of the May 20, 2021 Test in writing a minimum of thirty (30) days prior to the expected test date and five (5) days prior to the actual date and expected time of testing, Respondent violated Condition 7.1(b) of the CAAPP Permit No. 95120062, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

44. Condition 7.1(c) of CAAPP Permit No. 95120062 provides in pertinent part as follows:

7.1 Testing

- (c) Copies of the Final Report(s) for these tests shall be submitted to the IEPA, Compliance Section within fourteen (14) days after the test results are compiled and finalized but no later than ninety (90) days after completion of the test, unless it is required otherwise in applicable state or federal statutes or the IEPA may at the discretion of the Compliance Section Manager (or designee) agree upon an alternative dates in advance pursuant to Section 39.7(a) of the Act. The Final Report shall include as a minimum . . . .

45. Respondent's test on the Permanent Total Enclosure was completed on May 20, 2021, and Respondent had until August 18, 2021, ninety (90) days after, to submit the test results to the Illinois EPA.

46. On March 25, 2022, Respondent submitted the May 20, 2021 Test results to Illinois EPA, approximately 219 days after the August 18, 2021 deadline.

47. By failing to submit a copy of the report within ninety (90) days following the completion of the May 20, 2021 Test, Respondent violated Condition 7.1(c) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count VIII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.1(a)-(c) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.1(a)-(c) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.1(a)-(c) of CAAPP Permit No. 95120062;

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.

**COUNT IX**  
**FAILURE TO SUBMIT COMPLETE AND ACCURATE SEMIANNUAL MONITORING**  
**REPORTS**

1-35. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25 and 27 through 36 of Count I, as paragraphs 1 through 35 of this Count IX.

36. Condition 3.5(b) of CAAPP Permit No. 95120062 provides as follows:

3.5(b) Semiannual Reporting

- i. Pursuant to Section 39.5(7)(f)(i) of the Act, the Permittee shall submit Semiannual Monitoring Reports to the IEPA, Air Compliance Section, summarizing required monitoring and identifying all instances of deviation from the permit, every six months as follows, unless more frequent reporting is required elsewhere in this permit.

<u>Monitoring Period</u>	<u>Report Due Date</u>
January through June	September 1
July through December	March 1

- ii. The Semiannual Monitoring Report must be certified by a Responsible Official consistent with Condition 2.6(b).

Note: Required monitoring includes all applicable monitoring, testing, recordkeeping, and reporting requirements. This may include monitoring requirements not addressed within the Compliance Method Sections of this Permit.

37. Respondent submitted semiannual monitoring reports to Illinois EPA for the reporting periods of January 2020 – June 2020, July 2020 – December 2020, January 2021 – June 2021, and July 2021 – December 2021. None of these reports included deviations or instances of noncompliance with Method 204 for the Permanent Total Enclosure, and thus were not complete, true, and accurate.

38. On September 2, 2022, Illinois EPA received Respondent's semiannual monitoring report for the period of January 2022 through June 2022. This report did not include deviations or instances of noncompliance with Method 204 for the Permanent Total Enclosure, and thus were not complete, true, and accurate.

39. On September 6, 2022, Illinois EPA received Respondent's revised semiannual monitoring report for the periods of July 2020 – December 2020 and January 2021 – June 2021, which stated that the DRF failed to meet the Permanent Total Enclosure requirements of Method 204 during the October 21, 2020 Test. However, Respondent did not indicate any deviation of emissions of PM, VOM, and NOx, as noted in Respondent's October 21, 2020 Permanent Total Enclosure assessment and the Illinois EPA's inspection of March 24, 2022, and thus, were not complete, true, and accurate.

40. By failing to provide Illinois EPA complete, true, and accurate semi-annual monitoring reports for the reporting periods of January 2020 – June 2020, July 2020 – December 2020, January 2021 – June 2021, July 2021 – December 2021, and January 2022 – June 2022, Respondent violated Condition 3.5(b) of CAAPP Permit No. 95120062, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count IX:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 3.5(b) of CAAPP Permit No. 95120062;
3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 3.5(b) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 3.5(b) of CAAPP Permit No. 95120062;

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.

**COUNT X**  
**FAILURE TO PROMPTLY NOTIFY ILLINOIS EPA OF DEVIATIONS**

1-35. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25 and 27 through 36 of Count I, as paragraphs 1 through 35 of this Count X.

36. Condition 4.2.5(a)(i)(A) of CAAPP Permit No. 95120062 provides as follows:

(a) Prompt Reporting

(i)(A) Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the Illinois EPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows unless a different period is specified by a particular permit provision, i.e. NSPS or NESHAP requirements:

(I) Requirements in Conditions 4.2.2(a)(i), 4.2.2(b)(i), 4.2.2(c)(i), 4.2.2(d)(i), 4.2.2(e)(i), and 4.2.2(f)(i).

37. On December 16, 2020, Respondent notified Illinois EPA regarding its noncompliance with Method 204 requirements for the Permanent Total Enclosure, fifty-six (56) days after the October 21, 2020 Test, twenty-six (26) days late.

38. By failing to timely notify Illinois EPA within thirty (30) days of the deviation after the October 21, 2020 Test, Respondent violated Condition 4.2.5(a)(i)(A) of CAAPP Permit No. 95120062, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count X:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.5(a)(i)(A) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.5(a)(i)(A) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 4.2.5(a)(i)(A) of CAAPP Permit No. 95120062;

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.

**COUNT XI**  
**FAILURE TO SUBMIT COMPLETE AND ACCURATE ANNUAL CAAPP**  
**COMPLIANCE CERTIFICATIONS**

1-70. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 25, 27 through 36, 40 through 42, and 44 of Count I, paragraphs 37 through 38 of Count II, paragraphs 40 through 42 of Count III, paragraphs 39 through 41 of Count IV, paragraphs 37 through 38 of Count V, paragraphs 37 through 41 of Count VI, paragraphs 37 through 38 of Count VII, paragraphs 39 through 40, 42 through 43, and 45 through 47 of Count VIII, paragraphs 37 through 40 of Count IX, and paragraphs 37 through 38 of Count X, as paragraphs 1 through 70 of this Count XI.

71. Condition 2.6(a) of CAAPP Permit No. 95120062 provides as follows:

2.6 Certification

(a) Compliance Certification

- i. Pursuant to Section 39.5(7)(p)(v)(C) of the Act, the source shall submit annual compliance certification by May 1 unless a different date is specified by an applicable requirement or by a particular permit condition. The annual compliance certifications shall include the following:
  - A. The identification of each term or condition of this permit that is the basis of the certification.
  - B. The compliance statute.
  - C. Whether compliance was continuous or intermittent.
  - D. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.
- ii. Pursuant to Section 39.5(7)(p)(v)(D) of the Act, all compliance certifications shall be submitted to the IEPA Compliance Section. Address is included in Attachment 3.
- iii. Pursuant to Section 39.5(7)(p)(i) of the Act, all compliance reports required to be submitted shall include a certification in accordance with Condition 2.6(b).

72. On April 30, 2020, May 3, 2021, and March 24, 2022, Respondent submitted to Illinois EPA its CAAPP Permit No. 95120062 annual compliance certifications for 2019, 2020, and 2021.

73. In each of its three annual compliance certifications for 2019, 2020, and 2021, Respondent stated that it was in continuous compliance with all terms and conditions contained in CAAPP Permit No. 95120062, although multiple instances of noncompliance occurred at the Facility during this time, including but not limited to Respondent's failure to meet the requirements of Method 204, causing or allowing visible emissions into the atmosphere, exceeding PM, VOM, and NO<sub>x</sub> emission limits, and failing to provide accurate information in their annual and quarterly reports.

74. By failing to include all instances of noncompliance in their annual compliance certifications for 2019, 2020, and 2021, Respondent failed to provide complete, true, and accurate information in each of its reports.

75. On September 6, 2022, Illinois EPA received Respondent's revised annual compliance certifications for 2020 and 2021. The revised annual compliance certifications indicated "intermittent" compliance for Condition 4.2.2(f)(i)-(ii) of CAAPP Permit No. 95120062, work practice requirements, and Condition 4.2.5 of CAAPP Permit No. 95120062, reporting requirements; however, the revisions did not include the exceedances or deviations of emissions of PM, VOM, and NO<sub>x</sub>, or the noncompliance with the testing requirements set forth in Condition 7.1 of CAAPP Permit No. 95120062.

76. By failing to include all instances of noncompliance in their 2019 annual compliance certification, Respondent violated Condition 2.6(a) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

77. By failing to revise their 2020 and 2021 annual compliance certifications to accurately reflect all exceedances or deviations of emissions of PM, VOM, and NO<sub>x</sub> or noncompliance with testing requirements, Respondent violated Condition 2.6(a) of CAAPP Permit No. 95120062, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count XI:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 2.6(a) of CAAPP Permit No. 95120062;
3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 2.6(a) of CAAPP Permit No. 95120062;
4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 2.6(a) of CAAPP Permit No. 95120062;
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.

**COUNT XII**  
**FAILURE TO SUBMIT COMPLETE AND ACCURATE ANNUAL EMISSION**  
**REPORTS**

1-69. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 36, 40 through 42, and 44 of Count I, paragraphs 37 through 38 of Count II, paragraphs 41 through 42 of Count III, paragraphs 39 through 41 of Count IV, paragraphs 37 through 38 of Count V, paragraphs 37 through 41 of Count VI, paragraphs 37 through 38 of Count VII, paragraphs 39 through 40, 42 through 43, and 45 through 47 of Count VIII, paragraphs 37 through 40 of Count IX, and paragraphs 37 through 38 of Count X, as paragraphs 1 through 69 of this Count XII.

70. Condition 3.5(c) of CAAPP Permit No. 95120062 provides as follows:

3.5 Reporting Requirements

- (c) Annual Emissions Reporting: Pursuant to 35 IAC Part 254, the Source shall submit an Annual Emission Report to the Air Quality Planning Section, due by May 1 of the year following the calendar year in which the emissions took place. All records and calculations upon which the verified and reported data are based must be retained by the source.

71. Section 201.302(a) of the Board's 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.

72. Section 254.102(a)(2) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(2), provides as follows:

- a) Subpart B of this Part applies to:

\* \* \*

- 2) Owners or operators of any source required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5];

73. Section 254.132(a) of the Illinois EPA's 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).

74. Section 254.137(a) of the Illinois EPA's 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.

75. Section 201.101 of the Board's Air Pollution Regulations, 35 Ill. Adm.

Code 201.101, provides as follows:

(a) Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5] (Act).

(b) All terms defined in 35 Ill. Adm. Code 211 which appear in this Part have the definitions specified by 35 Ill. Adm. Code 211.

76. Section 201.102 of the Board's Air Pollution Regulations, 35 Ill. Adm.

Code 201.102, provides the following definition:

“Emission Source”: any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

“Owner or Operator”: Any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

77. Section 211.370 of the Board's 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 byproducts 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 for particular purpose for which the term “air pollutant” is used.

78. Section 211.1950 of the Board’s 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.

79. Section 211.4970 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.4970, provides the following definition:

“Potential to emit (PTE)” means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable.

80. Section 211.6370 of the Board’s 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.

81. At all times relevant to this Complaint, Respondent’s Facility has been, and continues to be, a building, structure, facility, or installation which emits, may emit or has the “potential to emit” PM, VOM, and NO<sub>x</sub>, each an “air pollutant”, thereby constituting a “stationary source”, as those terms are defined in Sections 211.370, 211.4970, 211.6370 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.370, 211.4970 and 211.6370.

82. At all times relevant to this Complaint, Respondent has been, and continues to be, an operator of the DRF at its Facility, which is a stationary source and an “emission source” and “emission unit”, as those terms are defined in Section 201.102 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.102, and Section 211.1950 of the Board’s Air Pollution

Regulations, 35 Ill. Adm. Code 211.1950, and thereby it is an “owner or operator”, as that term is defined in Section 201.102 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

83. Respondent, as the owner or operator of emission units, was required pursuant to Condition 3.5(c) of the CAAPP Permit No. 95120062, and Section 201.302(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) and 254.137(a) of the Illinois EPA’s 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.

84. On April 30, 2020, Illinois EPA received Respondent’s AER for calendar year 2019 for the Facility.

85. On April 30, 2021, Illinois EPA received Respondent’s AER for calendar year 2020 for the Facility.

86. On April 20, 2022, Illinois EPA received Respondent’s AER for calendar year 2021 for the Facility.

87. The calculations upon which Respondent’s 2019, 2020, and 2021 AERs relied did not reflect the data regarding actual emissions from the Facility that was generated by the Method 204 assessment of the Permanent Total Enclosure.

88. By not reflecting the data regarding actual emissions from the Facility that was generated by the Method 204 assessment of the Permanent Total Enclosure, Respondent’s AERs did not accurately report the Facility’s actual emissions, and thus, Respondent failed to provide accurate, true, and complete data of the DRF’s emissions in its AERs for 2019, 2020, and 2021.

89. By failing to provide accurate, true, and complete data of the emissions that were generated by the DRF’s operation in its AERs for 2019, 2020, and 2021, Respondent violated

Condition 3.5(c) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

90. By failing to provide accurate, true, and complete data of the emissions that were generated by the DRF's emissions in its AERs for 2019, 2020, and 2021, Respondent also violated Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), and Respondent thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count XII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), and Condition 3.5(c) of CAAPP Permit No. 95120062;

3. Ordering Respondent to cease and desist from any future violations of Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), and Condition 3.5(c) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation

of Section 39.5(6)(a) of the Act, 415 5/39.5(6)(a) (2024) and Condition 3.5(c) of CAAPP Permit No. 95120062;

5. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

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

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

**COUNT XIII**  
**FAILURE TO TIMELY SUBMIT FINAL PERMANENT TOTAL ENCLOSURE**  
**EMISSION TEST REPORT**

1-18. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10, 27 through 28, and 31 through 36 of Count I, as paragraphs 1 through 18 of this Count XIII.

19. Condition 7.1(c) of CAAPP Permit No. 95120062 provides as follows:

7.1 Testing

(c) Copies of the Final Report(s) for these tests shall be submitted to the IEPA, Compliance Section within fourteen (14) days after the test results are compiled and finalized but no later than ninety (90) days after completion of the test, unless it is required otherwise in applicable state or federal statutes or the IEPA may at the discretion of the Compliance Section Manager (or designee) agree upon an alternative date in advance pursuant to Section 39.7(a) of the Act . .

20. Condition 2.3(a) of CAAPP Permit No. 95120062 provides as follows:

2.3 General Provisions

(a) The source must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the CAA and

the Act, and is grounds for any or all of the following: enforcement action; permit termination; revocation and reissuance, or modification; or denial of a permit renewal application. [Section 39.5(7)(o)(i) of the Act]

21. On November 16, 2023, Respondent conducted its annual method 204 emission test of the Permanent Total Enclosure.

22. On November 17, 2023, Respondent finalized its annual method 204 emission testing report for the Permanent Total Enclosure.

23. Respondent was required to submit to Illinois EPA its annual method 204 emission testing report for the Permanent Total Enclosure on or before December 1, 2023, fourteen (14) days after the test results were compiled and finalized.

24. On January 10, 2024, Respondent submitted its final report to Illinois EPA for the annual method 204 test of the Permanent Total Enclosure, approximately forty (40) days late.

25. By submitting its final report to Illinois EPA for the annual method 204 test of the Permanent Total Enclosure approximately forty (40) days late, Respondent failed to timely submit its final report within fourteen (14) days after the test results were compiled and finalized.

26. By failing to timely submit its final report for the annual method 204 test of the Permanent Total Enclosure, Respondent violated Condition 7.1(c) of CAAPP Permit No. 95120062, and thereby also violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

27. By violating Condition 7.1(c) of CAAPP Permit No. 95120062, Respondent also violated Condition 2.3(a) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count XIII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.1(c) and 2.3(a) of CAAPP Permit No. 95120062;
3. Ordering the Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.1(c) and 2.3(a) of CAAPP Permit No. 95120062;
4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.1(c) and 2.3(a) of CAAPP Permit No. 95120062;
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.

**COUNT XIV**  
**FAILURE TO EQUIP DRF AFTERBURNER WITH CONTINUOUS TEMPERATURE**  
**INDICATOR AND DATA RECORDER**

1-19. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10, 27 through 28, 31 through 36, and 43 of Count I and paragraph 20 of Count XIII, as paragraphs 1 through 19 of this Count XIV.

20. Condition 4.2.2(c)(ii)(A)(I) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2. Applicable Requirements

(c)(ii) Compliance Method (VOM Requirements)

(A) Pursuant to Permit #93080006;

(I) The afterburner of the Drum Cleaning Reclamation Furnace shall be equipped with a continuous temperature indicator and strip or circular chart recorder of disk storage.

21. On January 17, 2024, Respondent submitted a deviation report to Illinois EPA stating that on December 18, 2023, it discovered that the DRF's continuous temperature indicator and data recorder failed due to the age of the unit.

22. On January 17, 2024, Respondent stated that the DRF's continuous temperature indicator and data recorder was not operating from November 1, 2023 to December 20, 2023, at which time, Respondent installed a new continuous temperature indicator and data recorder for the DRF.

23. From at least November 1, 2023 to December 20, 2023, by failing to operate a continuous temperature indicator and data recorder at its DRF, Respondent violated Condition 4.2.2(c)(ii)(A)(I) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

24. By violating Condition 4.2.2(c)(ii)(A)(I) of CAAPP Permit No. 95120062, Respondent also violated Condition 2.3(a) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

25. By failing to maintain its continuous temperature indicator and data recorder at its DRF, in violation of applicable requirements in Condition 4.2.2(c)(ii)(A)(I) of CAAPP Permit No. 95120062, Respondent violated Condition 2.3(c) of CAAPP Permit No. 95120062, and thereby also violating Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count XIV:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(c)(ii)(A)(I), 2.3(a), and 2.3(c) of CAAPP Permit No. 95120062;

3. Ordering the Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(c)(ii)(A)(I), 2.3(a), and 2.3(c) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(c)(ii)(A)(I), 2.3(a), and 2.3(c) of CAAPP Permit No. 95120062;

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.

**COUNT XV**  
**FAILURE TO MAINTAIN RECORDS OF CONTINUOUS TEMPERATURE**

1-21. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10, 27 through 28, and 31 through 36 of Count I, paragraph 20 of Count XIII, and paragraphs 21 through 22 of Count XIV, as paragraphs 1 through 21 of this Count XV.

22. Condition 4.2.2(c)(ii)(F) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2. Applicable Requirements

(c)(ii) Compliance Method (VOM Requirements)

Recordkeeping

- (F) Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep the records of the afterburner's combustion chamber temperature during processing of drums.

23. From at least November 1, 2023 to December 20, 2023, by failing to operate a continuous temperature indicator and data recorder at its DRF, Respondent failed to keep records of the afterburner's combustion chamber temperature during processing of drums.

24. By failing to keep the records of the afterburner's combustion chamber temperature during processing of drums, Respondent violated Condition 4.2.2(c)(ii)(F) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

25. By violating Condition 4.2.2(c)(ii)(F) of CAAPP Permit No. 95120062, Respondent also violated Condition 2.3(a) of CAAPP Permit No. 95120062 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count XV:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(c)(ii)(F) and 2.3(a) of CAAPP Permit No. 95120062;

3. Ordering the Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(c)(ii)(F) and 2.3(a) of CAAPP Permit No. 95120062;

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(c)(ii)(F) and 2.3(a) of CAAPP Permit No. 95120062;

5. Taxing all costs in this action, including, but not limited to, 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.

**COUNT XVI**  
**FAILURE TO COMPLY WITH COMPLIANCE ASSURANCE MONITORING**  
**REQUIREMENTS**

1-21. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10, 27 through 28, and 31 through 36 of Count I, paragraph 20 of Count XIII, and paragraphs 21 through 22 of Count XIV, as paragraphs 1 through 21 of this Count XVI.

22. Condition 4.2.2(c)(ii)(C) of CAAPP Permit No. 95120062 provides as follows:

4.2. Drum Cleaning Reclamation Furnace (DRF)

2. Applicable Requirements

(c)(ii) Compliance Method (VOM Requirements)

Monitoring

(C) Pursuant to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, the drum reclamation furnace is subject to 40 CFR Part 64. The Permittee shall comply with the monitoring requirements of the CAM Plan described in Condition 7.5 and Table 7.5.1, pursuant to 40 CFR Part 64 as submitted in the Permittee's

CAM plan application. At all times, the Owner or Operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment, pursuant to 40 CFR 64.7(a) and (b).

23. Condition 7.5(b) and (c) of CAAPP Permit No. 95120062 provides as follows:

7.5 Compliance Assurance Monitoring (CAM) Requirements

Monitoring – Monitoring

- (b) Pursuant to Section 64.7(a), the source shall comply with the monitoring requirements of the CAM Plans as described in 7.5(e) below, pursuant to 40 CFR Part 64 as submitted in the source's CAM plan application.

Monitoring – Reporting

- (c) Pursuant to 40 CFR 64.9(b)(1), the source shall maintain records of the monitoring data, monitor performance data, corrective actions taken, monitoring equipment maintenance, and other supporting information related to the monitoring requirements established for CAM.

24. Section 40 C.F.R. § 64.7(a), provides as follows:

- (a) Commencement of operation. The owner or operator shall conduct the monitoring required under this part upon issuance of a part 70 or 71 permit that includes such monitoring, or by such later date specified in the permit pursuant to § 64.6(d).

25. Section 40 C.F.R. § 64.9(b)(1), provides as follows:

Reporting and recordkeeping requirements.

(b) ***General recordkeeping requirements.***

- (1) The owner or operator shall comply with the recordkeeping requirements specified in § 70.6(a)(3)(ii) of this chapter. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to § 64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

26. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d) (2024), provides as follows:

(d) No person shall:

(1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto....

27. Section 112(d)(1) of the Clean Air Act, 42 U.S.C. § 7412(d)(1), provides in pertinent part as follows:

The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation.

28. Pursuant to Section 112(d)(1) of the Clean Air Act, the United States Environmental Protection Agency (“USEPA”) promulgated National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, which are found in Chapter 40, Part 63 of the Code of Federal Regulation, 40 C.F.R. Part 63. The Illinois EPA administers NESHAP for subject sources in Illinois pursuant to a delegation agreement with the USEPA.

29. Subpart MMMM of Title 40, Part 63 of the C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP regulations. Subpart MMMM contains the NESHAP for Surface Coating of Miscellaneous Metal Parts and Products. The standards of 40 C.F.R. 63, Subpart MMMM are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

30. Section 40 C.F.R § 63.3881(b), provides as follows in pertinent part:

(b) You are subject to this subpart if you own or operate a new, reconstructed, or existing affected source, as defined in § 63.3882, that uses 946 liters (250 gallons (gal)) per year, or more, of coatings that contain hazardous air pollutants (HAP) in the surface coating of miscellaneous metal parts and products defined in paragraph (a) of this section; *and that is a major source, is located at a major source, or is part of a major source of emissions of HAP.* A major source of HAP emissions is any stationary source or group of stationary sources located within a contiguous area and under common

control that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year or any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year.

31. Respondent owns and operates the Facility, a new, reconstructed, or existing affected source, that uses 946 liters (250 gallons (gal)) per year, or more, of coatings that contain hazardous air pollutants (HAP) in the surface coating of miscellaneous metal parts and products, including steel drums.

32. At all times relevant to the Complaint, the Facility has emitted or has the potential to emit 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs and is therefore a major source of emissions of HAPs.

33. By owning and operating the Facility, a new, reconstructed, or existing affected source, that uses 946 liters (250 gallons (gal)) per year, or more, of coatings that contain hazardous air pollutants (HAP) in the surface coating of miscellaneous metal parts and products, including steel drums, and emitting or having the potential to emit 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs, Respondent's Facility is subject to 40 C.F.R. 63, Subpart MMMM.

34. Because the Facility is subject to 40 C.F.R. 63, Subpart MMMM, Respondent is required to obtain a CAAPP Permit under 40 C.F.R. 63, Part 70.

35. By operating the Facility pursuant to CAAPP Permit No. 95120062, Respondent must comply with the compliance assurance monitoring requirements set forth in Sections 40 C.F.R § 64.7(a) and 40 C.F.R. § 64.9(b)(i).

36. From at least November 1, 2023 to December 20, 2023, by failing to operate a continuous temperature indicator and data recorder at its DRF, Respondent failed to conduct compliance assurance monitoring at its DRF.

37. By failing to conduct compliance assurance monitoring at its DRF from November 1, 2023 to December 20, 2023, Respondent violated Section 40 C.F.R § 64.7(a) and 40 C.F.R. § 64.9(b)(i), thereby also violating Conditions 7.5(b) and (c) of CAAPP Permit No. 95120062.

38. By violating Section 40 C.F.R § 64.7(a) and 40 C.F.R. § 64.9(b)(i), Respondent also violated Section 112 of the Clean Air Act and therefore violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

39. By violating Conditions 7.5(b) and (c) of CAAPP Permit No. 95120062, Respondent also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, MEYER INDUSTRIAL CONTAINER LLC, an Illinois limited liability company, with respect to Count XVI:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Sections 39.5(6)(a) and 9.1(d)(1) of the Act, 415 ILCS 5/39.5(6)(a) and 9.1(d)(1) (2024), Conditions 7.5(b) and (c) of CAAPP Permit No. 95120062, and Sections 40 C.F.R § 64.7(a) and 40 C.F.R. § 64.9(b)(i);

3. Ordering the Respondent to cease and desist from any future violations of Sections 39.5(6)(a) and 9.1(d)(1) of the Act, 415 ILCS 5/39.5(6)(a) and 9.1(d)(1) (2024), Conditions 7.5(b) and (c) of CAAPP Permit No. 95120062, and Sections 40 C.F.R § 64.7(a) and 40 C.F.R. § 64.9(b)(i);

4. Assessing against Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation

of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 4.2.2(c)(ii)(F) and 2.3(a) of CAAPP Permit No. 95120062;

5. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Sections 40 C.F.R § 64.7(a) and 40 C.F.R. § 64.9(b)(i) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

6. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

7. 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

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