

Count IV: Sections 9(a) and 39.5(6)(a) of the Act (415 ILCS 5/9(a), 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 by causing or allowing VOM to be emitted into the atmosphere in excess of the allowable VOM emission limit.

Count V: 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 by causing or allowing Nitrogen Oxides (NOx) to be emitted into the atmosphere in excess of the allowable NOx emission limit.

Count VI: 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 by failing to conduct an annual inspection of the Permanent Total Enclosure and failing to conduct adequate quarterly inspections by failing to include all natural draft openings in the quarterly inspections of the Permanent Total Enclosure.

Count VII: 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 by failing to conduct semi-annual inspections of the DRF for deficiencies.

Count VIII: Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2024)) and Conditions 7.1(a), (b), and (c) of the CAAPP Permit No. 95120062 by failing to submit a written test protocol to the Illinois Environmental Protection Agency (IEPA) 60 days prior to the test conducted on May 20, 2021, and failing to notify IEPA of the test in writing 30 days before the expected test date and five days before the actual test date, and failing to submit a copy of the test report within 90 days of the completion of the test.

Count IX: 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 by failing to provide IEPA with 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.

Count X: 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 by failing to timely notify IEPA within 30 days of the October 21, 2020 Test of the deviation from the Method 204 requirements for the Permanent Total Enclosure.

Count XI: 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 by failing to include all instances of noncompliance in the 2019 annual compliance certification and by failing to revise the 2020 and 2021 annual compliance certifications to accurately reflect all exceedances or deviations of emissions of PM, VOM, and NOx or noncompliance with testing requirements.

Count XII: Sections 9(a) and 39.5(6)(a) of the Act (415 ILCS 5/9(a), 39.5(6)(a) (2024)), Sections 201.302(a) and 254.132(a) of the Air Pollution Regulations (35 Ill. Adm. Code

201.302(a), 254.132(a)) and Condition 3.5(c) of CAAPP Permit No. 95120062 by failing to provide accurate, true, and complete data of the emissions that DRF's operation generated in its Annual Emissions Reports (AERs) for 2019, 2020, and 2021.

Count XIII: Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2024)) and Conditions 2.3(a) and 7.1(c) of CAAPP Permit No 95120062 by failing to timely submit its final report to IEPA for the annual method 204 test of the Permanent Total Enclosure.

Count XIV: Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2024)) and Conditions 2.3(a), 2.3(c), and 4.2.2(c)(ii)(A)(I) of CAAPP Permit No. 95120062 by failing to operate and maintain a continuous temperature indicator and data recorder at its DRF.

Count XV: Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2024)) and Conditions 2.3(a) and 4.2.2(c)(ii)(F) of CAAPP Permit No. 95120062 by failing to keep records of the afterburner's combustion chamber temperature during the processing of drums.

Count XVI: Sections 9.1(d)(1) and 39.5(6)(a) of the Act (415 ILCS 5/9.1(d)(1), 39.5(6)(a) (2024)) and Conditions 7.5(b) and (c) of CAAPP Permit No. 95120062 by failing to conduct compliance assurance monitoring at its DRF from November 1, 2023, to December 20, 2023.

The People ask the Board to order Meyer to pay a civil penalty of \$50,000 for each violation and \$10,000 for each day during which each violation continued, and that the Board award the People their costs and reasonable attorney fees.

The Board finds that the complaint meets the content requirements of the Board's procedural rules and accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.204(c), (f), 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Meyer fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Meyer to have admitted the allegation. *See* 35 Ill. Adm. Code 103.204(d).

The Board directs the hearing officer to proceed expeditiously to hearing. Upon its own motion or the motion of any party, the Board or the hearing officer may order that the hearing be held by videoconference. In deciding whether to hold the hearing by videoconference, factors that the Board or the hearing officer will consider include cost-effectiveness, efficiency, facility accommodations, witness availability, public interest, the parties' preferences, and the proceeding's complexity and contentiousness. *See* 35 Ill. Adm. Code 101.600(b), 103.108.

Among the hearing officer's responsibilities is the "duty . . . to ensure development of a clear, complete, and concise record for timely transmission to the Board." 35 Ill. Adm. Code 101.610. A complete record in an enforcement case thoroughly addresses, among other things, the appropriate remedy, if any, for the alleged violations, including any civil penalty.


If a complainant proves an alleged violation, the Board considers the factors set forth in Sections 33(c) and 42(h) of the Act to fashion an appropriate remedy for the violation. *See* 415 ILCS 5/33(c), 42(h) (2024). Specifically, the Board considers the Section 33(c) factors in determining, first, what to order the respondent to do to correct an on-going violation, if any, and, second, whether to order the respondent to pay a civil penalty. The factors provided in Section 33(c) bear on the reasonableness of the circumstances surrounding the violation, such as the character and degree of any resulting interference with protecting public health, the technical practicability and economic reasonableness of compliance, and whether the respondent has subsequently eliminated the violation.

If, after considering the Section 33(c) factors, the Board decides to impose a civil penalty on the respondent, only then does the Board consider the Act's Section 42(h) factors in determining the appropriate amount of the civil penalty. Section 42(h) sets forth factors that may mitigate or aggravate the civil penalty amount. These factors include the following: the duration and gravity of the violation; whether the respondent showed due diligence in attempting to comply; any economic benefits that the respondent accrued from delaying compliance based upon the "lowest cost alternative for achieving compliance"; the need to deter further violations by the respondent and others similarly situated; and whether the respondent "voluntarily self-disclosed" the violation. 415 ILCS 5/42(h) (2024). Section 42(h) requires the Board to ensure that the penalty is "at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship." *Id.* Such penalty, however, "may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent." *Id.*

Accordingly, the Board further directs the hearing officer to advise the parties that in summary judgment motions and responses, at hearing, and in briefs, each party should consider: (1) proposing a remedy for a violation, if any (including whether to impose a civil penalty), and supporting its position with facts and arguments that address any or all of the Section 33(c) factors; and (2) proposing a civil penalty, if any (including a specific total dollar amount and the portion of that amount attributable to the respondent's economic benefit, if any, from delayed compliance), and supporting its position with facts and arguments that address any or all of the Section 42(h) factors. The Board also directs the hearing officer to advise the parties to address these issues in any stipulation and proposed settlement that may be filed with the Board.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 9, 2026, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board