

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2024

PEOPLE OF THE STATE OF ILLINOIS,        )  
  )  
          Complainant,                            )  
  )  
          v.    )     PCB 23-103  
  )     (Enforcement - Air)  
AURORA METALS DIVISION L.L.C., an        )  
Indiana limited liability company,        )  
  )  
          Respondent.                            )

ORDER OF THE BOARD (by M. Gibson):

On March 23, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Aurora Metals Division, L.L.C. (Aurora Metals). The complaint concerns Aurora Metals’ nonferrous metal foundry and machine shop located at 1995 Greenfield Avenue in Montgomery, Kane County (facility). The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Aurora Metals violated Section 9(a) of the Act (415 ILCS 5/9(a) (2022)) and Section 201.302(a) of the Board Air Pollution Regulations (35 Ill. Adm. Code 201.302(a)). The People allege Aurora Metals committed these violations by failing to timely submit an Annual Emissions Report (AER) for its facility for the year 2020 to the Illinois Environmental Protection Agency (IEPA) by May 1, 2021 (Count I) and by failing to submit an AER for its facility for the year 2021 to the IEPA by May 1, 2022 (Count II)

On December 8, 2023, the People filed a motion to voluntarily dismiss Count II of the complaint without prejudice (Mot.). The People state that they received documentation from Aurora Metals showing that it timely submitted its 2021 AER. Mot. at 2. Having reviewed the People’s motion, the Board grants the motion to voluntarily dismiss Count II of the complaint without prejudice.

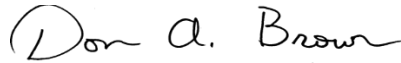
Also on December 8, 2023, the People and Aurora Metals filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation,

Aurora Metals does not affirmatively admit the alleged violation and agrees to pay a civil penalty of \$7,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 4, 2024, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk  
Illinois Pollution Control Board