

SERVICE LIST

For the Respondent

John Neumann

Advantage Automation Midwest, Inc.

1 Dania Dr.

Hamilton, IL 62341

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 2024-
)	(Enforcement-Air)
ADVANTAGE AUTOMATION MIDWEST,)	
INC., an Illinois corporation,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, ADVANTAGE AUTOMATION MIDWEST, INC., an Illinois corporation, as follows:

COUNT I
FAILURE TO SUBMIT ANNUAL EMISSIONS REPORT

1. This Complaint is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022), and is charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, ADVANTAGE AUTOMATION MIDWEST, INC., is an Illinois corporation in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State.

4. At all times relevant to this Complaint, Respondent is and was the operator of a sand core equipment manufacturing plant located at 225 North Hilton Street, Decatur, Macon County, Illinois (“Facility”).

5. The Facility currently consists of the following emission sources: three (3) sand storage silos and a sand handling system controlled by three (3) baghouses and twelve (12) core making machines controlled by a scrubber.

6. The emission sources at the Facility are capable of emitting particulate matter (“PM”), volatile organic material (“VOM”), and hazardous air pollutants (“HAP”).

7. Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

8. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides the following definition:

“Person” means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

9. Respondent, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

10. Section 3.115 of the Act, 415 ILCS 5/3.115 (2022), provides the following definition:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

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

12. PM, VOM and HAP are each a “contaminant” as that term is defined under Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

13. Because the equipment described in paragraph 5, above, emits, emitted, and/or is capable of emitting PM, VOM and HAP to the atmosphere, the aforementioned equipment is capable of causing or contributing to air pollution.

14. On May 22, 2019, Respondent was issued its Federally Enforceable State Operating Permit No. 90050058 by the Illinois EPA for the emission units at the Facility.

15. Section 201.302(a) of the Illinois Pollution Control Board’s (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

- a) The owner or operator of any emission unit or air pollution control equipment 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.

16. Section 254.102(b) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.102(b), provides as follows:

- b) Subpart C of this Part applies to the owner or operator of any source of regulated air pollutants required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is not subject to subsection (a) of this Section.

17. Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.132(a), provides as follows:

- a) 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).

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

Code 254.137(a), provides as follows:

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

19. Section 211.4370 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

211.4370, provides the following definition:

“Owner or operator” means any person who owns, operates, leases, controls, or supervises a source, an emission unit or air pollution control equipment.

20. Section 211.5500(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

211.5500(b), provides the following definition:

- b) “Regulated air pollutant” shall, for the purposes of 35 Ill. Adm. Code 201.180(a), mean any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

21. 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.

22. VOM is a regulated air pollutant as that term is defined in Section 211.5500 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.5500.

23. Respondent is an “owner or operator,” as that term is defined in Section 211.4370 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, of the emission units at the Facility and, therefore, was required to submit an Annual Emissions Report (“AER”) to the Illinois EPA, by May 1 of the following calendar year in which the emissions took place pursuant to Section 254.137(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a).

24. On August 12, 2021, the Illinois EPA issued Violation Notice (“VN”) A-2021-00343 to Respondent for failure to timely submit an AER for calendar year 2020. Respondent did not respond to the VN.

25. By failing to submit an AER for the Facility for the year 2020 to the Illinois EPA by May 1, 2021, Respondent 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).

26. By failing to submit to the Illinois EPA an AER for calendar year 2020 by May 1, 2021, in violation of Board and Illinois EPA regulations, Respondent thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent,

ADVANTAGE AUTOMATION MIDWEST, INC., for the following relief:

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

B. Finding that the Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), 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 Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), 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 Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Defendant to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further 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

By: /s/ Andrew Armstrong
ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that I did on January 11, 2024, send by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the documents entitled NOTICE OF FILING and COMPLAINT to:

For the Respondents:

John Neumann
Advantage Automation Midwest, Inc.
1 Dania Dr.
Hamilton, IL 62341
via certified mail

Isl Cathy S. Formigoni

Cathy S. Formigoni
Paralegal

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Isl Cathy S. Formigoni

Cathy S. Formigoni
Paralegal