

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 08 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 04- 178
) (Enforcement)
 H.B.M. ELECTROCHEMICAL)
 COMPANY an Illinois corporation,)
 and NED MANDICH, individually)
 as president of H.B.M.)
 Electrochemical Company,)
)
 Respondents.)

NOTICE OF FILING

TO: Mr. Ned Mandich	Mr. Ned Mandich
Registered Agent	President
H.B.M. Electrochemical	H.B.M. Electrochemical
Company	Company
2800 West Bernice Road	1650 Ridge Road
Lansing, Illinois 60438	Homewood, Illinois 60430

PLEASE TAKE NOTICE that I have today filed the Complaint with the Office of the Clerk of the Illinois Pollution Control Board, a true and correct copy of which is attached hereto and herewith served upon you. Pursuant to 35 Ill. Adm. Code 103.204(f), I am required to advise you that failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. Pursuant to 415 ILCS 5/31(c)(1), I am required to advise you that financing may be available through the Illinois Environmental Facilities Financing Act to correct the violations.

PEOPLE OF THE STATE OF ILLINOIS,
 by LISA MADIGAN, Attorney General
 of the State of Illinois

BY: Bridget M. Carlson
 BRIDGET M. CARLSON
 Assistant Attorney General
 Environmental Bureau
 188 West Randolph Street, 20th fl.
 Chicago, Illinois 60601
 (312) 814-0608
 Attorney No. 99000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD APR 08 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
H.B.M. ELECTROCHEMICAL)
COMPANY an Illinois corporation,)
and NED MANDICH, individually)
as president of H.B.M.)
Electrochemical Company,)
)
Respondents.)

PCB 04-178
(Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of Respondent, H.B.M. ELECTROCHEMICAL COMPANY, an Illinois Corporation and NED MANDICH individually, and as president of H.B.M. Electrochemical Company as follows:

COUNT I

OPERATING AIR EMISSION SOURCES WITHOUT A PERMIT

1. This Complaint is brought by the Attorney General on her 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 (2002).

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 (2002), and is charged, *inter alia*, with the duty of enforcing the Act.

3. On information and belief, at all times relevant to this Complaint, Respondent Ned Mandich ("Mandich") was and is a resident of Homewood, Cook County, Illinois.

4. From at least 1996, or a date better known to Mandich, and continuing through the date of filing of this Complaint, Mandich has owned and/or operated a hard chrome electroplating facility that plates hydraulic cylinders and rods. The parts are finished by grinding and polishing.

5. The facility known as H.B.M. Electrochemical Company ("H.B.M."), is located at 2800 Bernice Road, Lansing, Cook County, Illinois ("facility").

6. At all times relevant to this Complaint, Mandich has been the president and the registered agent of H.B.M. Electrochemical and has been and is in control of and responsible for the day-to-day operations of the facility.

7. The facility utilizes three (3) hard chrome plating tanks controlled by composite mesh pad ("CMP") scrubbers.

8. Chromium is emitted from the facility's hard chromium

electroplating tanks during electroplating operations.

9. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), contains the following definition:

"CONTAMINANT" is any solid, liquid, gaseous matter, any odor, or any form of energy, from whatever source.

10. Chromium is a contaminant, as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

11. Section 201.102 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.102, contains the following definitions:

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

"New Emission Source": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Specified Air Contaminant": 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.

12. H.B.M.'s hard chromium electroplating operations described herein emit, or are capable of emitting, chromium, a specified air contaminant, to the atmosphere.

electroplating tanks during electroplating operations.

9. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), contains the following definition:

"CONTAMINANT" is any solid, liquid, gaseous matter, any odor, or any form of energy, from whatever source.

10. Chromium is a contaminant, as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

11. Section 201.102 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.102, contains the following definitions:

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

"New Emission Source": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Specified Air Contaminant": 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.

12. H.B.M.'s hard chromium electroplating operations described herein emit, or are capable of emitting, chromium, a specified air contaminant, to the atmosphere.

13. On information and belief, the three (3) hard chromium electroplating tanks at the facility were constructed on or after April 14, 1972.

14. The hard chromium electroplating tanks constitute "New Emission Source(s)", as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

15. Section 3.115 of the Act, 415 ILCS 5/3.115 (2002), contains 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.

16. Because H.B.M.'s hard chromium electroplating operation emits, or is capable of emitting, chromium to the atmosphere, it is capable of causing or contributing to air pollution.

17. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), contains 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.

18. Mandich and H.B.M. Electrochemical are "person(s)", as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

19. Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), provides as follows:

No person shall:

* * *

Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

20. Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides in pertinent part as follows:

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit.

21. On March 25, 1996, the Illinois EPA issued to H.B.M. an Operating Permit for Hard Chrome Electroplating Operation, NESHAP Source. The permit, number 84120020, authorized H.B.M. to operate emission source(s) and/or air pollution control equipment

consisting of, among other things, three (3) hard chrome plating tanks.

22. H.B.M.'s Operating Permit number 84120020 expired on March 25, 2001 and was not renewed until September 10, 2003, on which date it was reissued by the Illinois EPA. From March 25, 2001 through September 10, 2003, Mandich and H.B.M., operated hard chromium electroplating tanks without the required Illinois EPA operating permit.

23. By the actions as alleged herein, both Respondents Mandich and H.B.M. violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), and Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondents, NED MANDICH individually and H.B.M. ELECTROCHEMICAL COMPANY:

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

2. Finding that the Respondents have violated Section 9(b) of the Act and Section 201.143 of 35 Ill. Adm. Code;

3. Ordering the Respondents to cease and desist from any further violations of Section 9(b) of the Act and Section 201.143 of 35 Ill. Adm. Code;

4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of continued violation;

5. Ordering the Respondents to pay all costs, including 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 II

FAILURE TO COMPLY WITH CLEAN AIR ACT: NATIONAL EMISSION STANDARDS FOR DECORATIVE CHROMIUM ELECTROPLATERS

1-11. Complainant realleges and incorporates by reference herein paragraphs 1 through 8, paragraph 13, and paragraphs 17 and 18 of Count I as paragraphs 1 through 11 of this Count II.

12. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), provides as follows:

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.

13. Section 112(d) of the Clean Air Act ("CAA"), 42 USC 7312(d), titled, *Emissions Standards*, provides in pertinent part as follows:

1. 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.

14. Pursuant to Section 112(b)(1) of the CAA, 42 USC 7412(b)(1), the Administrator of the USEPA listed chromium compounds as a hazardous air pollutant.

15. The USEPA's regulations, titled, *National Emission Standards for Hazardous Air Pollutants for Source Categories* ("NESHAP for Source Categories"), are found in Chapter 40, Part 63 of the Code of Federal Regulation, 40 CFR Part 63.

16. On January 25, 1995, the Administrator published national emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks, 60 Fed. Reg. 4963 (January 25, 1995).

17. These regulations, titled, *National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks*, were codified at Chapter 40, Part 63, Subpart N of the USEPA NESHAP for Source Categories, 40 CFR 63.340 et seq.

18. Section 63.340(a) of the USEPA NESHAP for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks ("Chrome NESHAP"), 40 CFR 63.340(a),

titled, *Applicability and designation of sources*, provides in pertinent part as follows:

- (a) The affected source to which the provisions of this subpart apply is each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

19. Section 63.341(a) of the Chrome NESHAP, 40 CFR 63.341(a), titled, *Definitions*, contains the following definition:

Hard chromium electroplating or industrial chrome electroplating means a process by which a thick layer of chromium (typically 1.3 to 760 microns) is electrodeposited on a base material to provide a surface with functional properties such as wear resistance, a low coefficient of friction, hardness, and corrosion resistance. In this process, the part serves as the cathode in the electrolytic cell and the solution serves as the electrolyte. Hard chromium electroplating process is performed at current densities typically ranging from 1,600 to 6,500 A/m² for total plating times ranging from 20 minutes to 36 hours depending upon the desired plate thickness.

Small, hard chromium electroplating facility means a facility that performs hard chromium electroplating and has a maximum cumulative potential rectifier capacity less than 60 million amp-hr/yr.

20. The tanks H.B.M. utilizes in its hard chromium electroplating operations are hard chromium electroplating tanks, as that term is defined in 40 CFR 63.341(a).

21. H.B.M.'s maximum cumulative potential rectifier capacity is less than 60 million amp-hr/yr. Therefore, H.B.M. is a small, hard chromium electroplating facility, as that term is defined in 40 CFR 63.341(a).

22. The hard chrome electroplating tanks at the facility are an affected source, as that term is defined in 40 CFR 63.340(a). Accordingly, from at least 1996, or a date better known to Mandich, through the date of filing of this Complaint, the provisions of Subpart N have applied and continue to apply to Mandich and H.B.M.

23. Subpart A of the USEPA's NESHAP for Source Categories is titled *General Provisions*. Section 63.2 of Subpart A, 40 CFR 63.2, titled, *Definitions*, contains the following definitions:

Existing source means any affected source that is not a new source.

New source means any affected source the construction or reconstruction of which is commenced after the Administrator first proposes a relevant emission standard under this part.

24. On information and belief, Mandich and H.B.M. commenced construction of the hard chromium electroplating operation after the Administrator first proposed emission standards for chromium emissions from hard chromium electroplating. Therefore, HBM's

plating operation is a new source, as that term is defined in 40 CFR 63.2.

25. Section 63.343(c)(1) of the Chrome NESHAP, 40 CFR 63.343(c)(1), titled, *Monitoring to demonstrate continuous compliance: Composite mesh-pad systems*, provides in pertinent part as follows:

- (ii) On and after the date on which the initial performance test is required to be completed under §63.7, except for hard chromium electroplaters and chromium anodizing operations in California which have until January 25, 1998, the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the pressure drop across the composite mesh-pad system once each day that any affected source is operating. To be in compliance with the standards, the composite mesh-pad system shall be operated within ± 1 inch of water column of the pressure drop value established during the initial performance test, or shall be operated within the range of compliant values for pressure drop established during multiple performance tests.

26. On June 17, 1997, H.B.M. conducted a performance test to demonstrate compliance with the NESHAP. At that time, a compliant pressure drop value of 1 inch of water column was established. To demonstrate compliance with the NESHAP on an ongoing basis, H.B.M. was required to operate the CMP system

within ± 1 inch of water column of the value established during the test.

27. On January 23, 2003, the Illinois EPA conducted an inspection of the facility. Facility records reviewed by the Illinois EPA inspector revealed that, from the fourth quarter of 1998 through the date of the inspection, the facility had operated its CMP system at pressure drops 2 to 3 inches higher than those allowed.

28. On May 29, 2003, H.B.M. conducted a new performance test that established a pressure drop value of 2.4 inches of water column.

29. From 1998 through May 29, 2003, Mandich and H.B.M. failed to maintain the pressure drop across the CMP within ± 1 inch of water column as established in the June 17, 1997 performance test.

30. Mandich and H.B.M., by actions and omissions as alleged herein, violated Section 63.343(c)(1)(ii) of the Chrome NESHAP, 40 CFR 63.343(c)(1)(ii).

31. Section 63.342(c)(1) of the Chrome NESHAP, 40 CFR 63.342(c)(1), titled, *Standards for hard chromium electroplating tanks*, provides in pertinent part as follows:

During tank operation, each owner or operator of an existing, new, or reconstructed affected source shall control chromium emissions discharged to the atmosphere from that affected source by not allowing the concentration of

total chromium in the exhaust gas stream discharged to the atmosphere to exceed:

- (i) 0.015 milligrams of total chromium per dry standard cubic meter (mg/dscm) of ventilation air (6.6 x 10⁻⁶ grains per dry standard cubic foot [gr/dscf]).

32. Mandich and H.B.M., as owners or operators of a new affected source, are subject to the standards in paragraph (c) of Section 63.342 and is required to control the facility's chromium emissions discharged to the atmosphere. As the facility's tanks constitute a new affected source located at a small, hard chromium electroplating facility, the facility must comply with the emission limit of 0.015 mg/dscm set forth in 40 CFR 63.342(c)(1)(i).

33. By failing to operate the CMP system within the required pressure drop values within the range established in the June 17, 1997 performance test, Mandich and H.B.M. emitted chrome in excess of 0.015 mg/dscm from 1998 through May 29, 2003, or dates better known to Mandich.

34. Mandich, and H.B.M. by actions and omissions as alleged herein, violated Section 63.342(c)(1)(i) of the Chrome NESHAP, 40 CFR 63.342(c)(1)(i).

35. Section 63.347(h) of the Chrome NESHAP, 40 CFR 63.347(h), titled, *Ongoing compliance status reports for area sources*, provides in pertinent part as follows:

- (1) The owner or operator of an affected source that is located at an area source site shall prepare a summary report to document the ongoing compliance status of the affected source. The report shall contain the information identified in paragraph (g)(3) of this section, shall be completed annually and retained on site, and made available to the Administrator upon request. The report shall be completed annually except as provided in paragraph (h)(2) of this section.

36. Mandich and H.B.M. did not submit monitoring reports to the Illinois EPA for calendar years 1997, 1998, 1999, 2000, 2001 or 2002 until May 14, 2003.

37. Mandich and H.B.M., by failing to timely submit H.B.M.'s monitoring reports, violated and continues to violate Section 63.347(h)(1) of the Chrome NESHAP, 40 CFR 63.347(h)(1).

38. By violating provisions of the Chrome NESHAP, federal regulations adopted pursuant to Section 112 of the CAA, Mandich and H.B.M. violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondents, NED MANDICH and H.B.M. ELECTROCHEMICAL COMPANY:

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

2. Finding that the Respondents have violated Section 9.1(d)(1) of the Act and Sections 63.343(c)(1)(ii), 63.342(c)(1)(i) and 63.347(h) of 40 CFR Part 63, Subpart N;

3. Ordering the Respondents to cease and desist from any further violations of Section 9.1(d)(1) of the Act and Sections 63.343(c)(1)(ii), 63.342(c)(1)(i) and 63.347(h) of 40 CFR Part 63, Subpart N;

4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of continued violation;

5. Ordering the Respondents to pay all costs, including 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 III

VIOLATION OF OPERATING PERMIT CONDITIONS

1-45. Complainant realleges and incorporates by reference herein paragraphs 1 through 22 of Count I, and paragraphs 12 through 34 of Count II, as paragraphs 1 through 45 of this Count III.

46. Condition 1(b) of H.B.M.'s Operating Permit No. 84120020 provides as follows:

Hard chrome electroplating tank(s) shall not exceed the following limits, pursuant to 40 CFR 63.342(c)(1):

<u>Hard Chromium</u> <u>Plating Tanks</u>	<u>Chromium Emissions</u> <u>mg/dscm</u>
Existing Larhe Tanks	0.015

This limit is National Emissions standard for Hard Chromium Electroplating Tanks, 40 CFR Part 63 Subpart N and based on the maximum annual cumulative rectifier capacity of the hard chrome electroplating tanks being greater than 60 million amp - hrs/year. An electroplating tank(s) installed before December 16, 1993, is considered as existing tank(s). Compliance with the limit shall be determined from initial performance testing and ongoing compliance monitoring requirements, as required by Conditions of this permit.

47. By failing to operate the CMP system within the required pressure drop values as established by the June 17, 1997 performance test, Mandich and H.B.M. emitted chrome in excess of 0.015 mg/dscm from 1998 through at least March 25, 2001, the date H.B.M.'s operating permit expired, or dates better known to Mandich.

48. Mandich and H.B.M., by actions and omissions as alleged herein, violated Condition 1(b) of H.B.M.'s Operating Permit number 84120020.

49. Condition 11 of H.B.M.'s Operating Permit No.

84120020 provides as follows:

- a. The Permittee shall submit ongoing compliance status report documenting the ongoing compliance status to the Agency every six months. If the Permittee exceeds the emission limits as indicated during performance testing, ongoing compliance status shall be submitted on every quarter.
- b. The ongoing compliance report shall contain the following:
 - i. The company name and address of the source performing hard chrome plates.
 - ii. An identification of the operating parameter(s) that are monitored for compliance determination.
 - iii. The relevant emission limitation for the source, and the operating parameter value, or range of values, that correspond to compliance with this emission limitation as specified in the notification of compliance status.
 - iv. The beginning and ending dates of the reporting period.
 - v. A description of the type of process performed in the source.
 - vi. The total operating time of the source during the reporting period.

- vi. The capacity cumulative rectifier actual expended during the reporting period, on a month-by-month basis, if the Permittee limits the maximum cumulative rectifier capacity less than 60 million amp-hr/yr.
- vii. A summary of operating parameter values, including the total duration of excess emissions during the reporting period as indicated by those values, the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to process upsets, control equipment malfunctions, other known causes, and unknown causes.
- viii. A certification by a responsible officer that the work practice standards followed in accordance with the operation and maintenance plan for the source.
- ix. If the operation and maintenance plan was not followed, an explanation of the reasons for not following the provisions, an assessment of whether any excess emission and/or parameter monitoring exceedances are believed to have occurred, and a copy of the report(s) documenting that the operation and maintenance plan was not followed.

- x. A description of any changes in monitoring processes, or controls since the last reporting period.
 - xi. The name, title, and signature of the responsible official who is certifying the accuracy of the report.
 - xii. The date of the report.
- c. The Permittee shall report the results for each monitoring device. However, when one monitoring device is used as a backup for the primary monitoring device, the Permittee shall only report the results from the monitoring device used to meet the monitoring requirements. If both devices are used to meet these requirements, then the owner or operator shall report the results from each monitoring device for the relevant compliance period.

50. Mandich did not submit monitoring reports to the Illinois EPA for calendar years 1997, 1998, 1999, 2000, 2001 or 2002 until May 14, 2003.

51. By failing to timely submit H.B.M.'s monitoring reports, Mandich and H.B.M. violated Condition 11 of H.B.M.'s Operating Permit number 84120020.

52. As a person who, from March 25, 1996 through March 25, 2001, operated H.B.M.'s hard chromium electroplating equipment, which is capable of causing or contributing to air pollution, in violation of conditions imposed by the facility's operating permit, and from March 25, 2001 through September 10, 2003

operated the equipment without an Illinois EPA permit, Mandich and H.B.M. violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondents, NED MANDICH and H.B.M. ELECTROCHEMICAL COMPANY:

1. Authorizing a hearing in this matter, at which time the Respondents will be required to answer the allegations herein;
2. Finding that the Respondents have violated Section 9(b) of the Act and Conditions 1(b) and 11 of H.B.M.'s Operating Permit number 84120020;
3. Ordering the Respondents to cease and desist from any further violations of Section 9(b) of the Act and Conditions 1(b) and 11 of H.B.M.'s Operating Permit number 84120020;
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of continued violation;
5. Ordering the Respondents to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and,

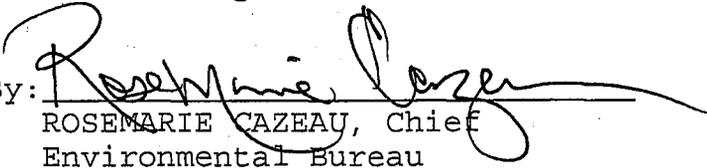
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:


ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

BRIDGET M. CARLSON
Assistant Attorney General
Environmental Bureau North
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-0608

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the Complaint was sent by certified mail with return receipt requested to each of the persons listed on the Notice of Filing on April 8, 2004.

BY: Bridget M. Carlson
BRIDGET M. CARLSON

It is hereby certified that the originals plus nine (9) copies of the foregoing were hand-delivered to the following person on April 8, 2004:

Pollution Control Board, Attn: Clerk
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

BY: Bridget M. Carlson
BRIDGET M. CARLSON

