

Proposed Consent Decree Calls for \$92,210 Civil Penalty and \$132,627 Supplemental Environmental Project for Clean Air Act Violations

By: Dave Scriven-Young, Attorney at Peckar & Abramson, P.C.

(Originally published at: <http://illinoisenvironmentallaw.com/air-pollution/proposed-consent-decree-calls-for-92210-civil-penalty-and-132627-sep-for-clean-air-act-violations/>)

On June 10, 2011, the U.S. Justice Department gave [notice in the Federal Register](#) that a proposed Consent Decree in *United States v. Allied Metal Co.*, Case No. 11 C 3228, was lodged with the U.S. District Court for the Northern District of Illinois. In a civil action filed simultaneously with the Consent Decree, the United States sought a civil penalty against the defendant for violations under the Clean Air Act. These violations were alleged to have occurred at the defendant's facility located at 4528 W. Division Street, in Chicago, Illinois. Click [here](#) for a copy of the Consent Decree.

The [Complaint](#) alleged that the defendant's thermal chip dryer discharged or caused to be discharged to the atmosphere emissions of dioxins and furans in excess of the emission limitations of the Clean Air Act. The Complaint also alleges that the defendant failed to comply with certain other administrative requirements of the Clean Air Act.

Under the proposed settlement, the defendant will be required to (1) permanently shut down its thermal chip dryer and remove it as an emission source from its permit; (2) surrender all pollution credits relating to emissions from the chip dryer; (3) perform a supplemental environmental project by spending \$132,627 to retrofit municipal or school bus diesel vehicles within Cook County by installing pollution control devices to reduce the emissions of particulate matter and hydrocarbons; (4) perform a supplemental environmental project by spending \$132,627 to restore, cleanup, rebuild and re-vegetate with plants which have high adsorption capacity for dioxins and furans, the river edge of the defendant's property located along the Chicago River; (5) provide periodic reports to EPA regarding its implementation of its obligations under the decree, and (6) pay a civil penalty of \$92,210.

The Department of Justice will receive comments on the Consent Decree until July 10, 2011.

Stay tuned to the Illinois Environmental Law Blog for more news and developments. To set up a free initial consultation to discuss your legal matter, please contact Dave Scriven-Young at (312) 239-9722 or dscriven-young@pecklaw.com.