

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) No.
)
NORWOOD MARKING &)
EQUIPMENT CO., INC., a Delaware)
corporation,)
)
Respondent.)

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that today, January 24, 2014, I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the following Complaint, a true and correct copy of which is attached hereto and hereby served upon you.

Pursuant to 35 Ill. Adm. Code 103.204(f), I am required to state that your 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.

NOTIFICATION

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act (20 ILCS 3515/1 *et seq.*) to correct the alleged pollution.

THIS FILING IS SUBMITTED ON RECYCLED PAPER

PEOPLE OF THE STATE OF
ILLINOIS, ex rel. LISA MADIGAN
Attorney General of the State of Illinois,

By: 

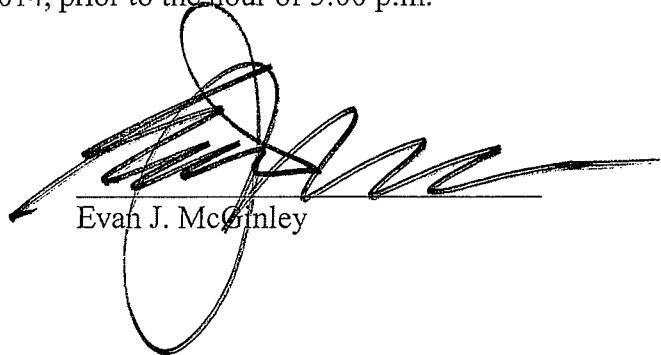
EVAN MCGINLEY
Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(312) 814-3153

SERVICE LIST

Registered Agent
Norwood Marking & Equipment Co., Inc.
c/o Prentice Hall Corporation
33 North LaSalle Street
Chicago, IL 60602

CERTIFICATE OF SERVICE

I, Evan J. McGinley, Assistant Attorney General, do hereby certify that I mailed a copy of the attached Notice of Electronic Filing and the Complaint filed in the above-referenced matter on the Respondent, Norwood Marking Systems Co., Inc., by certified mail with return receipt requested, today, January 24, 2014, prior to the hour of 5:00 p.m.



Evan J. McGinley

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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, files this Complaint against Respondent, NORWOOD MARKING & EQUIPMENT CO., INC., as follows:

COUNT I

FAILURE TO SUBMIT ANNUAL EMISSIONS REPORTS

1. The Complaint against Norwood Marking & Equipment Co. is brought on behalf of the 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 ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2012).

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 (2010), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent, NORWOOD MARKING & EQUIPMENT CO., INC, was and has been a Delaware corporation which is authorized to do business within the State of Illinois by the Illinois Secretary of State.

4. At all times relevant to this Complaint, Respondent has operated and continues to operate a paper coating manufacturing plant at 250 Industry Avenue, Frankfort, Will County, Illinois ("Facility"), at which Respondent conducts ink mixing and blending operations, and operates three (3) coating lines which are controlled by a regenerative thermal oxidizer, slitter equipment controlled by a baghouse, a hexane storage tank, and an isopropyl alcohol storage tank.

5. Respondent's operations at the Facility are subject to the Act, the Illinois Pollution Control Board's ("Board") air pollution regulations ("Board Air Pollution Regulations"), which are found at Title 35, Subtitle B, Chapter I, and the Illinois EPA's air pollution regulations ("Agency Air Pollution Regulations"), which are found at Title 35, Subtitle B, Chapter II.

6. Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), 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.

7. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides 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.

8. Respondent, a corporation, is a "person," as that term is defined in Section 3.315 of the Act, 415 5/3.315 (2012).

9. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

The owner or operator of any emission unit or air pollution control equipment, unless specifically exempted in this Section, 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 where necessary to accomplish the purposes of the Act and this Chapter.

10. Section 254.132(a) of the Agency Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides as follows:

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).

11. Section 254.137(a) of the Agency EPA Air Regulations, 35 Ill. Adm. Code 254.137(a), provides as follows:

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

12. Respondent, as the owner or operator of emissions units, is required to submit Annual Emissions Reports ("AERs") to the Illinois EPA.

13. Respondent was required to submit to its AER for calendar year 2012 to Illinois EPA on or before May 1, 2013.

14. Respondent did not file its AER with Illinois EPA for calendar year 2012 until June 6, 2013, in violation of Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), as well as Section 254.132(a) of the Agency Regulations, 35 Ill. Adm. Code 254.132(a).

21. By violating Sections 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Agency Air Regulations, 35 Ill. Adm. Code 254.132(a), Defendant has thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent with respect to this Count I:

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

2. Finding that the Respondent has violated Section 9 (a) of the Act, 415 ILCS 5/9(a) (2012), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Agency Air Regulations, 356 Ill. Adm. Code 254.132(a);

3. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Agency Air Regulations, 356 Ill. Adm. Code 254.132(a);

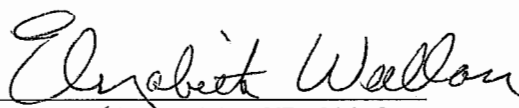
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against each Respondent for each violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012),

and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) against each Respondent for each day of violation;

5. Ordering 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.

Respectfully submitted,
PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

BY: 
ELIZABETH WALLACE, Chief
Environmental Bureau

OF COUNSEL:

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