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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Complainant,)

v.)

No. PCB 03-51

DRAW DRAPE CLEANERS, INC., an)
Illinois corporation, AMERICAN)
DRAPERY CLEANERS & FLAMEPROOFERS,)
INC., an Illinois corporation, and)
RICHARD ZELL, an Illinois resident,)

Respondents.)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on December 30, 2003, the People of the State of Illinois filed with the Illinois Pollution Control Board an AMENDED COMPLAINT FOR CIVIL PENALTIES, true and correct copies of which are attached and hereby served upon you.

Respectfully submitted,

LISA MADIGAN
Attorney General
State of Illinois

BY:



JOEL J. STERNSTEIN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-6986

Date: December 30, 2003

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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Mr. Richard Zell
President, Draw Drape Cleaners
Vice President and Secretary,
American Drapery Cleaners and Flameproofers Inc.
2235 West Roscoe
Chicago, Illinois 60618

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DRAW DRAPE CLEANERS, INC., an)
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DRAPERY CLEANERS & FLAMEPROOFERS,)
INC., an Illinois corporation, and)
RICHARD ZELL, an Illinois resident,)
Respondents.)

No. PCB 03-51

AMENDED COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondents, DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL as follows:

COUNT I

AIR POLLUTION

1. This Complaint is brought on behalf of the People ("Complainant") by the Attorney General on her own motion and upon 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. Specifically, this Complaint is brought against Respondent DRAW DRAPE CLEANERS, INC. ("DDCI") pursuant to Section

31 of the Act, 415 ILCS 5/31 (2002). This Complaint is brought against Respondents AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC. ("ADC&FI") and RICHARD ZELL by the Attorney General on her own motion.

3. 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 charged, *inter alia*, with the duty of enforcing the Act.

4. At all times relevant to this Complaint, Respondent DDCI was and is an Illinois corporation duly organized and existing under the laws of the State of Illinois and is in good standing.

5. At all times relevant to this Complaint, Respondent ADC&FI was and is an Illinois corporation duly organized and existing under the laws of the State of Illinois and is in good standing.

6. At all times relevant to this Complaint, Respondent RICHARD ZELL was and is a resident of the State of Illinois.

7. Respondents operate a facility located at 2235-2239 West Roscoe Street, Chicago, Cook County, Illinois, 60618 ("facility").

8. Respondents operate a petroleum solvent dry cleaning operation at the facility to clean drapes.

9. Respondent RICHARD ZELL is the operator and manager of

both DDCI and ACDAFI. RICHARD ZELL is responsible for the day-to-day operations of both DDCI and ACDAFI. RICHARD ZELL is the registered agent for DDCI and the corporate secretary for ACDAFI.

10. Respondents installed Dryer #1 at its facility in 1980 and continue to operate Dryer #1. Dryer #1 is a petroleum solvent dryer, but it is not a solvent recovery dryer. Dryer #1 lacks a cartridge filter.

11. Respondents installed Dryer #2 at the facility in 1996 and continue to operate Dryer #2. Dryer #2 is a petroleum solvent dryer, but it is not a solvent recovery dryer. Dryer #2 lacks a cartridge filter.

12. Both Dryer #1 and Dryer #2 emit volatile organic material ("VOM") to the environment.

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

14. Each Respondent is a "person" as the term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

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

"Contaminant" is any solid, liquid, or

gaseous matter, any odor, or any form of energy, from whatever source.

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

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

18. Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), 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, so as to violate regulations or standards adopted by the Board under this Act;

19. Section 201.141 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

Section 201.141 Prohibition of Air Pollution

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or

tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

20. Respondents have emitted VOM into the atmosphere from Dryer #1 and Dryer #2 causing air pollution in violation of the Federally Enforceable State Operating Permit ("FESOP"), in violation of the Act, and in violation of the Board's regulations.

21. Respondents, by their conduct alleged herein, violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2002), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL on Count I:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondents have violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2002), and Section 201.141 of the Board Air Pollution Regulation, 35 Ill. Adm. Code 201.141;
3. Ordering Respondents to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2002), and

Section 201.141 of the Board Air Pollution Regulation, 35 Ill. Adm. Code 201.141;

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

5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and

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

COUNT II

VIOLATION OF STANDARDS FOR PETROLEUM SOLVENT DRY CLEANERS

1 - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count II.

19. Section 218.607 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.607, provides as follows:

Standards for Petroleum Solvent Dry Cleaners

a) The owner or operator of a petroleum solvent dry cleaning dryer shall either:

- 1) Limit emissions of VOM to the atmosphere to an average of 3.5 kilograms of VOM per 100 kilograms dry weight of articles dry cleaned, or

2) Install and operate a solvent recovery dryer in a manner such that the dryer remains closed and the recovery phase continues until a final solvent flow rate of 50 milliliters per minute is attained.

b) The owner or operator of a petroleum solvent filtration system shall either:

1) Reduce the VOM content in all filtration wastes to 1.0 kilogram or less per 100 kilograms dry weight of articles dry cleaned, before disposal, and exposure to the atmosphere, or

2) Install and operate a cartridge filtration system, and drain the filter cartridges in their sealed housings for 8 hours or more before their removal.

20. For both Dryer #1 and Dryer #2, Respondents have failed to limit VOM emissions to the atmosphere to an average of 3.5 kilograms of VOM per 100 kilograms dry weight articles cleaned.

21. Neither Dryer #1 nor Dryer #2 are solvent recovery dryers.

22. For both Dryer #1 and Dryer #2, Respondents have failed to reduce VOM content in all filtration wastes to 1.0 kilogram or less per 100 kilograms of articles dry cleaned, before disposal, and exposure to the atmosphere.

23. Neither Dryer #1 nor Dryer #2 have a cartridge filtration system.

24. Respondents, by their conduct as alleged herein, violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and

Section 218.607 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.607.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL on Count II:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondents have violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 218.607 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.607;
3. Ordering Respondents to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 218.607 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.607;
4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and

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

COUNT III

FAILURE TO CONDUCT ADEQUATE TESTING

1 - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count III.

19. Section 218.610 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.610, provides as follows:

Testing and Monitoring

a) Compliance with Sections 218.607(b)(2), 218.608 and 218.609 of this Part shall be determined by visual inspection; and

b) Compliance with Sections 218.607(a)(2) and (b)(1) of this Part shall be determined by methods described in EPA-450/3-82-009 (1982) incorporated by reference in Section 218.112 of this Part.

20. Section 218.607 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.607, sets standards for petroleum solvent dry cleaning operations.

21. Respondents have failed to visually inspect both Dryer #1 and Dryer #2 in order to demonstrate compliance with the requirements of Section 218.607(b)(2) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.607(b)(2).

22. Respondents have failed to follow the methods described in EPA-450/3-82-009 (1982) in order to demonstrate compliance

with Sections 218.607(a)(2) and 218.607(b)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.607(a)(2) and (b)(1), for both Dryer #1 and Dryer #2.

23. Respondents, by their conduct as alleged herein, violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2002), and Section 218.610 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.610.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL on Count III:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondents have violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2002), and Section 218.610 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.610;
3. Ordering Respondents to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2002), and Section 218.610 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.610;
4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional

civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and

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

COUNT IV

CONSTRUCTION OF AN EMISSIONS SOURCE WITHOUT A PERMIT

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count IV.

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

No person shall:

* * *

(b) 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.

18. Section 201.102 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides, in pertinent part, 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 Illinois pursuant to Section 9.1 of the Act.

19. VOM is a specified air contaminant as defined by Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

20. Dryer #2 is a "new emission source" as that term is defined by Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102 because it is capable of emitting VOM.

21. Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides as follows:

Section 201.142 Construction Permit Required

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Section 201.146.

22. Respondents installed Dryer #2 at the facility without first obtaining a permit from the Illinois EPA.

23. Respondents, by their conduct as alleged herein,

violated Section 9(b) of the Act, 415 ILCS 5/9(b)(2002), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL on Count IV:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondents have violated Section 9(b) of the Act, 415 ILCS 5/9(b)(2002), and Section 201.142 of the Board Air Pollution Regulation, 35 Ill. Adm. Code 201.142;
3. Ordering Respondents to cease and desist from further violations of Section 9(b) of the Act, 415 ILCS 5/9(b)(2002), and Section 201.142 of the Board Air Pollution Regulation, 35 Ill. Adm. Code 201.142;
4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and

consultant fees, against Respondents; and

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

COUNT V

OPERATION OF AN EMISSIONS SOURCE WITHOUT A PERMIT

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count IV as paragraphs 1 through 16 of this Count V.

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

Operating Permit for New Sources

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.

18. Since 1996, Respondents have operated and continue to operate Dryer #2 without first obtaining a permit from the Illinois EPA.

19. Respondents, by their conduct as alleged herein, violated Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143, and 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 a judgment in favor of Complainant and against Respondents DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL on Count V:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondents have 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;
3. Ordering Respondents to cease and desist from further violations of 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;
4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT VI

VIOLATION OF FESOP CONDITION 5

1-15. Complainant realleges and incorporates by reference herein paragraphs 1 through 4, 7 through 8, and 10 through 16 of Count I and paragraphs 17 and 18 of Count IV as paragraphs 1 through 15 of this Count VI.

16. Respondent DDCI was granted a FESOP to operate its emissions sources. The FESOP was granted on January 13, 1998 and expires on January 13, 2003.

17. Respondent DDCI's FESOP, No. 95100005, provides, in pertinent part, the following condition:

* * *

5. The Permittee shall comply with the standards, operating practices, inspections and repair of leaks, and the testing and monitoring requirements for petroleum solvent dry cleaners as specified in 35 Ill. Adm. Code 218.607 through 218.610.

18. By violating the Board Air Pollution Regulations at Sections 218.607 and 218.610, 35 Ill. Adm. Code 218.607 and 218.610, Respondent DDCI also violated Condition No. 5 of its FESOP No. 95100005. By violating Condition No. 5 of its FESOP No. 95100005, Respondent DDCI also violated 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 a judgment in favor of

Complainant and against Respondent, DRAW DRAPE CLEANERS, INC., on
Count VI:

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

2. Finding that Respondent DDCI has violated Condition 5 of FESOP No. 95100005, and Section 9(b) of the Act, 415 ILCS 5/9(b) (2002);

3. Ordering Respondent DDCI to cease and desist from further violations of Condition 5 of FESOP No. 95100005, Section 9(b) of the Act, 415 ILCS 5/9(b) (2002);

4. Assessing against Respondent DDCI a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondent; and

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

COUNT VII

INSTALLATION OF A NON-SOLVENT RECOVERY DRYER AND LACK OF A CARTRIDGE FILTER ON DRYER #2

1-14. Complainant realleges and incorporates by reference

herein paragraphs 1 through 14 of Count I as paragraphs 1 through 14 of this Count VII.

15. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), provides, in pertinent part, 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; or

(2) construct, install, modify or operate any equipment, building, facility, source or installation which is subject to regulation under Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, except in compliance with the requirements of such Sections and federal regulations adopted pursuant thereto, and no such action shall be undertaken without a permit granted by the Agency or in violation of any conditions imposed by such permit.

16. Sections 60.620 to 60.625 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.620-60.625, were adopted pursuant to Section 111 of the Clean Air Act.

17. Sections 60.620 to 60.625 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.620-60.625, set standards of performance for petroleum dry cleaners.

18. Section 60.622 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.622 provides, in pertinent part, as follows:

Standards for volatile organic compounds

(a) Each affected petroleum solvent dry

cleaning dryer that is installed at a petroleum dry cleaning plant after December 14, 1982, shall be a solvent recovery dryer. The solvent recovery dryer(s) shall be properly installed, operated and maintained.

(b) Each affected petroleum solvent filter that is installed at a petroleum dry cleaning plant after December 14, 1982, shall be a cartridge filter. Cartridge filters shall be drained in their sealed housings for at least 8 hours prior to their removal.

19. Dryer #2 was installed after December 14, 1982. It is not a solvent recovery dryer, and it lacks a cartridge filter.

20. Respondents, by their conduct as alleged herein, violated Section 60.622 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.622, and Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL on Count VII:

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

2. Finding that Respondents have violated Section 60.622 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.622, and Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002);

3. Ordering Respondents to cease and desist from further violations of Section 60.622 of Title 40 of the Code of Federal

Regulations, 40 C.F.R. 60.622, and Section 9.1(d) of the Act, 415
ILCS 5/9.1(d) (2002);

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

5. Taxing all costs in this action pursuant to Section
42(f) of the Act, including attorney, expert witness and
consultant fees, against Respondents; and

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

COUNT VIII

FAILURE TO PERFORM AN INITIAL FLOW RATE TEST ON DRYER #2

1 - 19. Complainant realleges and incorporates by reference
herein paragraphs 1 through 19 of Count VII as paragraphs 1
through 19 of this Count VIII.

20. Section 60.624 of Title 40 of the Code of Federal
Regulations, 40 C.F.R. 60.624, provides, in pertinent part, as
follows:

Test methods and procedures

Each owner or operator of an affected
facility subject to the provisions of
§60.622(a) shall perform an initial test to
verify that the flow rate of recovered
solvent from the solvent recovery dryer at
the termination of the recovery cycle is no

greater than 0.05 liters per minute. This test shall be conducted for a duration of no less than 2 weeks during which no less than 50 percent of the dryer loads shall be monitored for their final recovered solvent flow rate.

21. Respondents did not initially test Dryer #2 to verify the flow rate of recovered solvent after Dryer #2 was installed in 1996.

22. Respondents, by their conduct as alleged herein, violated Section 60.624 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.624, and Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents DRAW DRAPE CLEANERS, INC., AMERICAN DRAPERY CLEANERS & FLAMEPROOFERS, INC., and RICHARD ZELL on Count VIII:

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

2. Finding that Respondents have violated Section 60.624 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.624, and Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002);

3. Ordering Respondents to cease and desist from further violations of Section 60.624 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 60.624, and Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002);

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

5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and

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

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

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

BY: Rose Marie Cazeau by rm
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

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(312) 814-6986

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CERTIFICATE OF SERVICE

I, JOEL J. STERNSTEIN, an Assistant Attorney General, certify that on the 30th day of December 2003, I caused to be served by First Class Mail the foregoing AMENDED COMPLAINT FOR CIVIL PENALTIES to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



JOEL J. STERNSTEIN