



**SERVICE LIST**

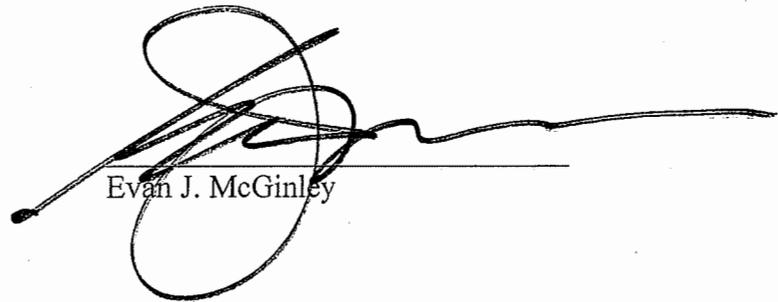
John Therriault  
Clerk of the Pollution Control Board  
100 W. Randolph  
Suite 11-500  
Chicago, IL 60606

Bradley Halloran  
Hearing Officer  
Pollution Control Board  
100 W. Randolph  
Suite 11-500  
Chicago, IL 60606

Thor Ketzback  
Bryan Cave LLP  
161 N. Clark Street  
Suite 4300  
Chicago, IL 60601-3315

**CERTIFICATE OF SERVICE**

I, Evan J. McGinley, Assistant Attorney General, do hereby certify that on June 18, 2014, I mailed a copy of the Stipulation and Proposal for Settlement with Respondent Norwood Marking & Equipment Co., and a Motion for Relief from Hearing Requirements by first class mail, with postage pre-paid, prior to the hour of 5:00 p.m., to each of the persons listed on the attached service list.



Evan J. McGinley



of the Act, 415 ILCS 5/31(c)(2) (2012).

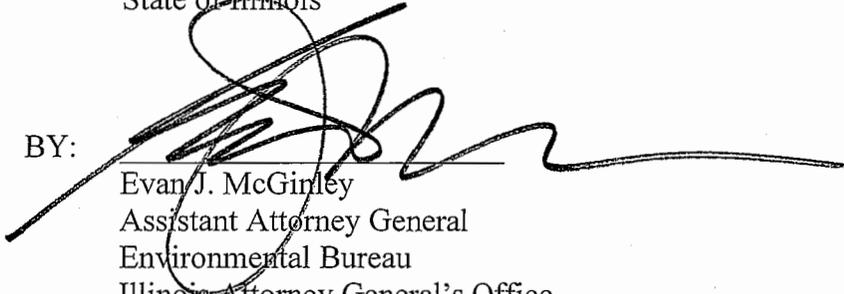
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY:



Evan J. McGinley  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
312.814.3153

DATE: June 17, 2014



against the Respondent.

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 (2012).

3. At all times relevant to the Complaint, Respondent was and is a division of Illinois Tool Works, Inc., a Delaware corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and continues to operate a paper coating manufacturing facility located at 250 Industry Ave., Frankfort, Will County, Illinois ("Facility" or "Site").

5. Respondent conducts ink mixing and blending operations at the Facility 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.

6. Respondent failed to timely file Annual Emissions Reports for the 2012 calendar year.

**B. Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act, Board Air Pollution Regulations and the Illinois EPA Air Pollution Regulations:

**Count I: Failure to Submit Annual Emissions Report in a Timely Manner**  
Violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012); violation of Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a); and violation of Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

**C. Admission of Violations**

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

**D. Compliance Activities to Date**

On June 6, 2013, Respondent submitted its Annual Emissions Report for the 2012 calendar year to Illinois EPA.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act, the Board Air Pollution Regulations and the Illinois EPA Air Pollution Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

**III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of

- the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violation, thereby threatening human health and the environment;
2. There is a social and economic benefit associated with the operation of the Facility;
3. Respondent's operation of the Facility was and is suitable for the area in which it is located;
4. This factor is not relevant to an analysis of the factors under Section 33(c) of the Act, 415 ILCS 5/33(c); and,
5. Respondent has subsequently complied with the Act, the Board Air Pollution Regulations, and the Illinois EPA Air Pollution Regulations.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in

mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Respondent was required to submit a completed Annual Emissions Report for the 2012 calendar year by May 1, 2013. The Respondent did not submit its

Annual Emissions Report for calendar year 2012 to Illinois EPA until June 6, 2013. Accordingly, Respondent began its violations on May 1, 2013 and these violations continued until June 6, 2013.

2. The Respondent was diligent in attempting to come back into compliance with the Act, the Board Air Pollution Regulations and the Illinois EPA Air Pollution Regulations, after it was notified of its noncompliance by Illinois EPA.

3. Under the circumstances, the violations alleged in the Complaint resulted in no calculable economic benefit.

4. The Complainant has determined, based upon the specific facts of this matter, that a penalty of Five Thousand Dollars (\$5,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act, the Board Air Pollution Regulations, and the Illinois Air Regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act, the Board Air Pollution Regulations, and the Illinois Air Pollution Regulations.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. The Respondent proposed a Compliance Commitment Agreement to Illinois EPA, but it was rejected by the Illinois EPA.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

The Respondent shall pay a civil penalty in the sum of Five Thousand Dollars (\$5,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Evan J. McGinley  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**C. Future Compliance**

1. Respondent shall timely submit all future AERs to the Illinois EPA.
2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the

right of entry into and upon the Respondent's Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, the Board Air Pollution Regulations and the Illinois EPA Air Pollution Regulations.

4. The Respondent shall cease and desist from future violations of the Act, the Board Air Pollution Regulations and the Illinois EPA Air Pollution Regulations that were the subject matter of the Complaint.

**D. Release from Liability**

In consideration of the Respondent's payment of the \$5,000.00 penalty, its commitment to cease and desist as contained in Section V.C.4 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on January 24, 2014 and this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;

- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

**E. Enforcement and Modification of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**F. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

AGREED:

PEOPLE OF THE STATE OF ILLINOIS

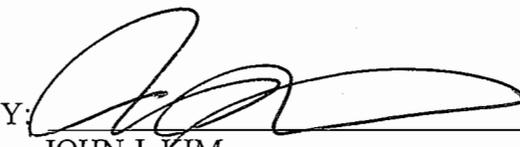
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

LISA MADIGAN  
Attorney General  
State of Illinois

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

BY:   
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 6/12/14

DATE: 6/15/14

NORWOOD MARKING &  
EQUIPMENT CO., INC., A DIVISION  
OF ILLINOIS TOOLWORKS

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

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PEOPLE OF THE STATE OF ILLINOIS

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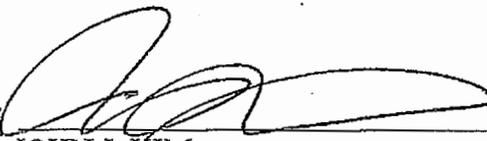
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BY:



ITS:

VP/EM

DATE:

6/16/14