

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL,	)	
Attorney General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 23-
	)	(Enforcement-Air)
SWAN SURFACES, LLC,	)	
a Delaware limited liability corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements, copies which are attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

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 violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
KWAME RAOUL, Attorney General  
of the State of Illinois

By: /s/Christina L. Nannini  
CHRISTINA L. NANNINI, #6327367  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031  
christina.nannini@ilag.gov

Date: June 12, 2023

**Service List**

**For the Respondent**

Swan Surfaces, LLC  
Jason Myer  
200 Swan Avenue  
Centralia, IL 62801  
*(via certified mail)*

C.T. Corporation Service  
Registered Agent  
208 S. La Salle Street  
Suite 814  
Chicago, IL 60604  
*(via certified mail)*

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a Delaware limited liability corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

Complainant, People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of Respondent, Swan Surfaces, LLC, a Delaware corporation, as follows:

**COUNT I**  
**FAILURE TO TIMELY SUBMIT ANNUAL EMISSIONS REPORTS**

1. This Count is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”) after providing Respondent with notice and the opportunity for a meeting with the Illinois EPA, pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

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 (2022), and charged, *inter alia*, with the duty of enforcing the Act.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2022), and charged, *inter*

*alia*, with the duty of promulgating standards and regulations under the Act.

4. Respondent, Swan Surfaces, LLC, (“Swan Surfaces” or “Respondent”) is a Delaware corporation, authorized and in good standing to conduct business in the State of Illinois.

5. Swan Surfaces operates a solid surfaces manufacturing facility (“Facility”) located at 200 Swan Avenue, Centralia, Marion County, Illinois 62801.

6. Emission units at the Facility include compound production and compression molding, solvent cleaning and recovery operations, chip grinding, and fabrication operations.

7. The emission sources at the Facility are capable of emitting particulate matter (“PM”), volatile organic materials (“VOM”), and hazardous air pollutants (“HAP”).

8. On December 28, 2020, Illinois EPA issued Swan Surfaces Clean Air Act Permit Program (“CAAPP”) renewal permit 99010001 pursuant to Section 39.5 of the Act, 415 ILCS 5/39.5 (2022).

9. Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), 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.

10. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides the following definition:

“Person” means 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.



11. Swan Surfaces, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

12. Section 3.115 of the Act, 415 ILCS 5/3.115 (2022), 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.

13. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

14. PM, VOM, and HAP are “contaminants” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

15. Because the equipment described in paragraph 6, above, emits, emitted, and/or is capable of emitting PM, VOM, and HAP to the atmosphere, the aforementioned equipment is capable of causing or contributing to air pollution.

16. Section 201.302(a) of the Illinois Pollution Control Board’s (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

- a) The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 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 when necessary to accomplish the purposes of the Act and this Chapter.

17. Section 254.102(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.102(a), provides as follows:

a) Subpart B of this Part applies to:

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2) Owners or operators of any source required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act;

18. Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.132(a), provides as follows:

a) 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).

19. Section 254.137(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm.

Code 254.137(a), provides as follows:

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

20. Section 201.101(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

201.101(b), provides as follows:

b) All terms defined in 35 Ill. Adm. Code 211 which appear in this Part have the definitions specified by 35 Ill. Adm. Code 211.

21. Section 211.4370 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

211.4370, provides the following definition:

“Owner or operator” means any person who owns, operates, leases, controls, or supervises a source, an emission unit or air pollution control equipment.

22. Swan Surfaces is an “owner or operator,” as that term is defined in Section 211.4370 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, of a source required to have an operating permit in accordance with Section 39.5 of the Act and, therefore, was required to submit an Annual Emission Report (“AER”) to the Illinois EPA, by May 1 of the following calendar year in which the emissions took place.

23. Swan Surfaces failed to timely submit to the Illinois EPA complete and accurate AERs for 2018 and 2019. Swan Surfaces submitted complete AERs for 2018 and 2019 on November 23, 2021.

24. Swan Surfaces failed to timely submit to the Illinois EPA a complete and accurate AER for the year 2020. Swan Surfaces submitted the 2020 AER on November 28, 2021.

25. By failing to timely submit to the Illinois EPA complete and accurate AERs for the Facility for 2018, 2019, and 2020, Swan Surfaces violated Section 201.302(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA’s Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

26. By failing to timely submit to the Illinois EPA complete and accurate AERs for 2018, 2019, and 2020, in violation of Board regulations, Swan Surfaces thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count I:

A. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), Section 201.302(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA’s Air Pollution Regulations, 254.132(a);

B. Ordering Respondent to cease and desist from any further violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), Section 201.302(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 254.132(a);

C. Assessing against Respondent a civil penalty of \$50,000 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000 for each day the violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT II**  
**FAILURE TO PERFORM METHOD 22 OPACITY OBSERVATIONS**

1-10. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I as paragraphs 1 through 10 of this Count II.

11. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), provides, in pertinent part, as follows:

It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements.

12. On April 14, 2021, Illinois EPA conducted an inspection of the Facility.

13. Conditions 4.1.2(a)(ii)(A) and (B) of CAAPP Permit 99010001 provide as follows:

Monitoring

A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, at a minimum, the Permittee shall perform observations for visible emissions

and/or opacity on each external process vent or exhaust in accordance with Method 22 for visible emissions at least once every calendar year. If visible emissions are observed, the Permittee shall take corrective actions within 4 hours of such observation.

Corrective action may include, but is not limited to the following: maintenance and repair and/or adjustment of the affected process. If corrective action is taken, the Permittee shall perform a follow-up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within 7 days in accordance with Condition 2.4.

#### Recordkeeping

- B. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall keep records for each observation for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

14. During the April 14, 2021 inspection, Swan Surfaces had no records available of Method 22 opacity observations for 2018, 2019, or 2020 at the stacks associated with the compound production and compression molding operations.

15. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to perform Method 22 opacity observations at the stacks associated with the compound production and compression molding operations, in violation of Conditions 4.1.2(a)(ii)(A) and (B) of CAAPP Permit 99010001.

16. Conditions 4.2.2(a)(ii)(A) and (B) of CAAPP Permit 990100001 provide as follows:

#### Monitoring

- A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, at a minimum, the Permittee shall perform observations for visible emissions

and/or opacity on each external stack or vent while solvent cleaning is taking place in accordance with Method 22 for visible emissions at least once every calendar year. If visible emissions are observed, the Permittee shall take corrective actions within 4 hours of such observation. Corrective action may include, but is not limited to the following: maintenance and repair and/or adjustment of the affected process. If corrective action is taken, the Permittee shall perform a follow-up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within 7 days in accordance with Condition 2.4.

#### Recordkeeping

- B. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall keep records for each observation for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

17. During the April 14, 2021 inspection, Swan Surfaces had no records available of Method 22 opacity observations for 2018, 2019, or 2020 for the stacks and vents associated with solvent cleaning and recovery operations.

18. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to perform Method 22 opacity observations for the stacks and vents associated with solvent cleaning and recovery operations, in violation of Conditions 4.2.2(a)(ii)(A) and (B) of CAAPP Permit 990100001.

19. Conditions 4.3.2(a)(ii)(A) and (C) of CAAPP Permit 990100001 provide as follows:

#### Monitoring

- A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, at a minimum, the Permittee shall perform observations for opacity on each

emission unit in Condition 4.4.1 in accordance with Method 22 for visible emissions at least once every calendar year. If visible emissions are observed, the Permittee shall take corrective actions within 4 hours of such observation. Corrective action may include, but is not limited to, shut down of the process, maintenance and repair and/or adjustment of fuel usage. If corrective action was taken the Permittee shall perform a follow-up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within 7 days in accordance with Condition 2.4.

Recordkeeping

- C. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall keep records for each observation for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

20. During the April 14, 2021 inspection, Swan Surfaces had no records available of Method 22 opacity observations for 2018, 2019, or 2020 for the chip grinding, fabrication shop, rectangular bins/cages, and cylindrical vessels.

21. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to perform Method 22 opacity observations for the chip grinding, fabrication shop, rectangular bins/cages, and cylindrical vessels, in violation of Conditions 4.3.2(a)(ii)(A) and (C) of CAAPP Permit 99010001.

22. By violating Conditions 4.1.2(a)(ii)(A) and (B), 4.2.2(a)(ii)(A) and (B), and 4.3.2(a)(ii)(A) and (C) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against the Respondent, Swan Surfaces, LLC, on Count II:

A. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.1.2(a)(ii)(A) and (B), 4.2.2(a)(ii)(A) and (B), and 4.3.2(a)(ii)(A) and (C) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.1.2(a)(ii)(A) and (B), 4.2.2(a)(ii)(A) and (B), and 4.3.2(a)(ii)(A) and (C) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT III**  
**FAILURE TO CONDUCT WEEKLY INSPECTIONS**

1-12. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, and paragraphs 11 and 12 of Count II, as paragraphs 1 through 12 of this Count III.

13. Conditions 4.1.2(b)(ii)(A) and (B) of CAAPP Permit 99010001 provide as follows:

**Monitoring**

A. Pursuant to Section 39.5(7)(b) and (d)(ii) of the Act, the Permittee



shall perform a weekly inspection of all dust collectors, carbon adsorbers, particulate filters and carbon exhaust systems to ensure that they are operating in accordance with manufacturer's specifications.

Recordkeeping

- B. Pursuant to Section 39.5(7)(b) and (d)(ii) of the Act, the Permittee shall keep and maintain the following monthly records:
  - I. Records of the periodic inspection of the dust collectors, carbon adsorbers, particulate filters and carbon exhaust systems required in Condition 4.1.2(b)(ii)(A), which includes the date of the inspections and results;
  - II. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired and nature of repair; and
  - III. Demonstration of compliance based upon either each affected emission unit's average hourly PM emission rate or maximum hourly potential to emit, including copies of all data, assumptions, and calculations used to determine PM emissions for each emission unit.

14. During the April 14, 2021 inspection, Swan Surfaces had no records available of any weekly inspection of the dust collectors, carbon adsorbers, PM filters, and carbon exhaust systems associated with the compound production and compression molding operations performed during 2018, 2019, 2020, or 2021.

15. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to perform weekly inspections of the dust collectors, carbon adsorbers, PM filters, and carbon exhaust systems associated with the compound production and compression molding operations, in violation of Conditions 4.1.2(b)(ii)(A) and (B) of CAAPP Permit 99010001.

16. Conditions 4.3.2(a)(ii)(B) and (E)(1) of CAAPP Permit 99010001 provide as follows:

Monitoring

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- B. Pursuant to Section 39.5(7)(b) and (d)(ii) of the Act, the Permittee shall perform a weekly inspection of all dust collectors to ensure that they are operating in accordance with manufacturer's specifications.

Recordkeeping

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- E. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall keep and maintain the following records:

- I. Records of the periodic inspection of the dust collectors required in Condition 4.4.2(a)(ii)(B), which includes the date of the inspections and results;

17. During the April 14, 2021 inspection, Swan Surfaces had no records available of any weekly inspection of Dust Collectors 3, 4, 5, 6, 12, 13, 15, 16, 18, and 20 performed during 2018, 2019, 2020, or 2021.

18. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to perform weekly inspections of Dust Collectors 3, 4, 5, 6, 12, 13, 15, 16, 18, and 20, in violation of Conditions 4.3.2(a)(ii)(B) and (E)(1) of CAAPP Permit 99010001.

19. By violating Conditions 4.1.2(b)(ii)(A) and (B) and 4.3.2(a)(ii)(B) and (E)(1) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count III:

A. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.1.2(b)(ii)(A) and (B) and 4.3.2(a)(ii)(B) and (E)(1) of

CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.1.2(b)(ii)(A) and (B) and 4.3.2(a)(ii)(B) and (E)(1) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other and further relief as the Board may deem appropriate.

**COUNT IV**  
**FAILURE TO MAINTAIN RECORDS OF REPAIR OF DUST COLLECTORS**

1-12. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, and paragraphs 11 and 12 of Count II, as paragraphs 1 through 12 of this Count IV.

13. Condition 4.3.2(a)(ii)(E)(II) of CAAPP Permit 99010001 provides as follows:

Recordkeeping

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E. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall keep and maintain the following records:

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II. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired and nature of repair.

14. During the April 14, 2021 inspection, Swan Surfaces had no records available of any repair of Dust Collectors 3, 4, 5, 6, 12, 13, 15, 16, 18, and 20 performed during 2018, 2019, 2020, or 2021.

15. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to keep and maintain records of repair of Dust Collectors 3, 4, 5, 6, 12, 13, 15, 16, 18, and 20, in violation of Condition 4.3.2(a)(ii)(E)(II) of CAAPP Permit 99010001.

16. By violating Condition 4.3.2(a)(ii)(E)(II) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count IV:

A. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 4.3.2(a)(ii)(E)(II) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 4.3.2(a)(ii)(E)(II) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT V**  
**FAILURE TO CONDUCT COMPLIANCE VERIFICATIONS AND**  
**MAINTAIN RECORDS**

1-12. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, and paragraphs 11 and 12 of Count II, as paragraphs 1 through 12 of this Count V.

13. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2022), 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;

14. 40 CFR 63.5805(b) provides as follows:

All operations at existing facilities not listed in paragraph (a) of this section must meet the organic HAP emissions limits in Table 3 to this subpart of and the work practice standards in Table 4 to this subpart that apply, regardless of the quantity of HAP emitted.

15. 40 CFR 63.5915(d) provides as follows:

You must keep a certified statement that you are in compliance with the work practice requirements in Table 4 to this subpart, as applicable.

16. Condition 4.1.2(d)(ii)(A)(II) of CAAPP Permit 99010001 provides as follows:

Monitoring

A.II. Pursuant to Section 39.5(7)(b) and (d)(ii) of the Act, the Permittee shall conduct a monthly compliance verification inspection of the operations listed in Condition 4.2.2(d)(i)(A)(I) and Table 4 to Subpart WWWW of Part 63.

17. Condition 4.1.2(d)(ii)(C)(II) of CAAPP Permit 99010001 provides as follows:

Recordkeeping

C. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee must record and maintain the following information to document that the source will be in compliance with the applicable work practice

standards requirements in Condition 4.1.2(d)(i)(A)(I) and Table 4 to 40 CFR 63 Subpart WWWW and the compliance verification requirements in Condition 4.1.2(d)(ii)(A):

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- II. The date, time and duration of monthly inspections, as required in Conditions 4.1.2(d)(ii)(A), performed to confirm compliance with the work practice standard requirements in Condition 4.1.2(d)(i)(A)(I) and Table 4 to 40 CFR 63 Subpart WWWW;

18. During the April 14, 2021 inspection, Swan Surfaces had no records available of monthly compliance inspections and verifications of compliance with the work practice standards of 40 CFR Part 63, Subpart WWWW, for the years of 2018, 2019, 2020, or 2021.

19. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to ensure compliance with the work practice standards of 40 CFR Part 63, Subpart WWWW and did not have records of monthly compliance inspections and verifications, in violation of 40 CFR 63.5805(b), 40 CFR 63.5915(d), and Conditions 4.1.2(d)(ii)(A)(II) and 4.1.2(d)(ii)(C)(II) of CAAPP Permit 99010001.

20. By violating 40 CFR 63.5805(b) and 40 CFR 63.5915(d), Swan Surfaces violated federal regulations adopted pursuant to the Clean Air Act, in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2022).

21. By violating Conditions 4.1.2(d)(ii)(A)(II) and 4.1.2(d)(ii)(C)(II) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count V:

- A. Finding that Respondent has violated Sections 9.1(d)(1) and 39.5(6)(a) of the Act,

415 ILCS 5/9.1(d)(1) and 39.5(6)(a) (2022), 40 CFR 63.5805(b), 40 CFR 63.5915(d), and Conditions 4.1.2(d)(ii)(A)(II) and 4.1.2(d)(ii)(C)(II) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Sections 9.1(d)(1) and 39.5(6)(a) of the Act, 415 ILCS 5/9.1(d)(1) and 39.5(6)(a) (2022), 40 CFR 63.5805(b), 40 CFR 63.5915(d), and Conditions 4.1.2(d)(ii)(A)(II) and 4.1.2(d)(ii)(C)(II) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022); and a civil penalty of \$50,000 for each violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2022), with an additional civil penalty of \$10,000 for each day each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT VI**  
**FAILURE TO KEEP MAINTENANCE LOG**

1-12. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, and paragraphs 11 and 12 of Count II, as paragraphs 1 through 12 of this Count VI.

13. Condition 4.1.2(d)(ii)(C)(III) of CAAPP Permit 99010001 provides as follows:

Recordkeeping

C. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee must

record and maintain the following information to document that the source will be in compliance with the applicable work practice standards requirements in Condition 4.1.2(d)(i)(A)(I) and Table 4 to 40 CFR 63 Subpart WWWW and the compliance verification requirements in Condition 4.1.2(d)(ii)(A):

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III. A maintenance log for covers on vats, vessels, and tanks, detailing all routine and non-routine maintenance performed and initial use of new covers, including dates of such activities.

14. During the April 14, 2021 inspection, Swan Surfaces had no maintenance log available for covers on vats, vessels, and tanks, detailing maintenance work performed during 2018, 2019, 2020, or 2021.

15. Beginning prior to April 14, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to keep a maintenance log for covers on vats, vessels, and tanks, detailing all routine and non-routine maintenance performed and initial use of new covers, including dates of such activities, in violation of Condition 4.1.2(d)(ii)(C)(III) of CAAPP Permit 99010001.

16. By violating Condition 4.1.2(d)(ii)(C)(III) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count VI:

A. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 4.1.2(d)(ii)(C)(III) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 4.1.2(d)(ii)(C)(III) of CAAPP Permit 99010001;



C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT VII**  
**FAILURE TO SUBMIT SEMI-ANNUAL COMPLIANCE REPORTS**

1-13. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I; paragraphs 11 and 12 of Count II; and paragraph 13 of Count V as paragraphs 1 through 13 of this Count VII.

14. 40 CFR 63.5910(b)(3) provides as follows:

(b) Unless the administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report by the date specified in Table 14 to this subpart and according to paragraphs (b)(1) through (5) of this section.

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(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

15. Conditions 4.1.5(b)(ii)(A)-(C) of CAAPP Permit 99010001 provide as follows:

A. Pursuant to 40 CFR 63.5910(a), the Permittee shall submit each applicable report in Table 14 to 40 CFR 63 Subpart WWWW.

B. Pursuant to 40 CFR 63.5910(b)(5), the Permittee may submit the first and subsequent compliance reports according to the dates specified in Condition 3.5(b) instead of according to the dates in paragraphs (b)(1) through (4) of 40 CFR 63.5910.

- C. Pursuant to 40 CFR 63.5910(c), the compliance report must contain the information in paragraphs (c)(1) through (5) of 40 CFR 63.5910:
  - I. Company name and address.
  - II. Statement by responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.
  - III. Date of the report and beginning and ending dates of the reporting period.
  - IV. [Reserved]
  - V. If there are no deviations from the requirements for work practice standards in Table 4 to 40 CFR 63 Subpart WWW, a statement that there were no deviations from the work practice standards during the reporting period.

16. Beginning prior to 2018, and on dates better known to Swan Surfaces, Swan Surfaces failed to submit to the Illinois EPA semi-annual compliance reports detailing compliance with the provisions of 40 CFR Part 63 Subpart WWW, in violation of 40 CFR 63.5910(b)(3), and Conditions 4.1.5(b)(ii)(A)-(C) of CAAPP Permit 99010001.

17. By violating 40 CFR 63.5910(b)(3), Swan Surfaces violated federal regulations adopted pursuant to the Clean Air Act, in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1).

18. By violating Conditions 4.1.5(b)(ii)(A)-(C) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count VII:

A. Finding that Respondent has violated Sections 9.1(d)(1) and 39.5(6)(a) of the Act, 415 ILCS 5/9.1(d)(1) and 39.5(6)(a) (2022), 40 CFR 63.5910(b)(3), and Conditions 4.1.5(b)(ii)(A)-(C) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Sections 9.1(d)(1) and 39.5(6)(a) of the Act, 415 ILCS 5/9.1(d)(1) and 39.5(6)(a) (2022), 40 CFR 63.5910(b)(3), and Conditions 4.1.5(b)(ii)(A)-(C) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022); and a civil penalty of \$50,000 for each violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2022), and an additional civil penalty of \$10,000 for each day each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT VIII**  
**FAILURE TO SUBMIT SEMI-ANNUAL**  
**COMPLIANCE ASSURANCE MONITORING REPORTS**

1-12. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, and paragraphs 11 and 12 of Count II, as paragraphs 1 through 12 of this Count VIII.

13. Condition 4.3.2(a)(ii)(F) of CAAPP Permit 99010001 provides as follows:

Recordkeeping

F. Pursuant to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, the fabrication shop emission units (EU 808, 809, 810, 811, and 812) are subject to 40 CFR Part 64. The Permittee shall comply with the monitoring requirements of the CAM Plan described in Condition 7.4 and Table 7.4.1, pursuant to 40 CFR Part 64 as submitted in the Permittee's CAM plan

application. At all times, the Owner or Operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment, pursuant to 40 CFR 64.7(a) and (b).

14. Condition 7.4(c) and (d) of CAAPP Permit 99010001 provides as follows:

c. Monitoring - Recordkeeping

Pursuant to 40 CFR 64.9(b)(1), the source shall maintain records of the monitoring data, monitor performance data, corrective actions taken, monitoring equipment maintenance, and other supporting information related to the monitoring requirements established for CAM.

d. Monitoring - Reporting

Pursuant to Sections 39.5(7)(b) and (f) of the Act, the source shall submit the following reporting requirements:

i. Semiannual Reporting

As part of the required Semiannual Monitoring Reports, the source shall submit a CAM report including the following at a minimum:

- A. Summary information on the number, duration, and cause of excursions or exceedances, and the corrective actions taken pursuant to 40 CFR 64.6(c)(3) and 64.9(a)(2)(i).
- B. Summary information on the number, duration, and cause for monitoring equipment downtime incidents, other than downtime associated with zero and span or calibration checks pursuant to 40 CFR 64.6(c)(3) and 64.9(a)(2)(ii).

15. Swan Surfaces failed to submit semi-annual CAM monitoring reports to the Illinois EPA for 2020 until November 23, 2021.

16. Beginning in 2020, and on dates better known to Swan Surfaces, Swan Surfaces failed to comply with the monitoring requirements of its CAM plan application, in violation of Conditions 4.3.2(a)(ii)(F) and 7.4(c) of CAAPP Permit 99010001.

17. By violating Conditions 4.3.2(a)(ii)(F) and 7.4(c) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count VIII:

A. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.3.2(a)(ii)(F) and 7.4(c) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.3.2(a)(ii)(F) and 7.4(c) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT IX**  
**FAILURE TO SUBMIT DEVIATION REPORTS**

1-32. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, paragraphs 11 through 21 of Count II, paragraphs 13 through 18 of Count III, paragraphs 13 through 15 of Count IV, paragraphs 16 through 19 of Count V, paragraphs 13 through 15 of Count VI, paragraphs 15 through 16 of Count VII, and paragraphs 13 through 16 of Count VIII, as paragraphs 1 through 32 of this Count IX.

33. Condition 4.1.5(a)(ii) of CAAPP Permit 99010001 provides as follows:

Prompt Reporting

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- ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

34. When Swan Surfaces deviated from the requirements associated with the compound production and compression molding operations at the Facility, Swan Surfaces was required to notify the IEPA, Air Compliance Section, of the deviations pursuant to Condition 4.1.5(a)(ii) of CAAPP Permit 99010001.

35. Condition 4.2.5(a)(ii) of CAAPP Permit 99010001 provides as follows:

Prompt Reporting

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- ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

36. When Swan Surfaces deviated from the requirements associated with the solvent cleaning and recovery operations, Swan Surfaces was required to notify the IEPA, Air Compliance Section, of the deviations pursuant to Condition 4.2.5(a)(ii) of CAAPP Permit 99010001.

37. Condition 4.3.5(a)(ii) of CAAPP Permit 99010001 provides as follows:

Prompt Reporting

\*\*\*

- ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

38. When Swan Surfaces deviated from the requirements associated with the chip

grinding, fabrication shop, and miscellaneous units, Swan Surfaces was required to notify the IEPA, Air Compliance Section, of the deviations pursuant to Condition 4.3.5(a)(ii) of CAAPP Permit 99010001.

39. Beginning in 2018, and on dates better known to Swan Surfaces, Swan Surfaces failed to submit deviation reports to the Illinois EPA, in violation of Conditions 4.1.5(a)(ii), 4.2.5(a)(ii), and 4.3.5(a)(ii) of CAAPP Permit 99010001.

40. By violating Conditions 4.1.5(a)(ii), 4.2.5(a)(ii), and 4.3.5(a)(ii) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count IX:

A. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.1.5(a)(ii), 4.2.5(a)(ii), and 4.3.5(a)(ii) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 4.1.5(a)(ii), 4.2.5(a)(ii), and 4.3.5(a)(ii) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

- E. Ordering such other relief as the Board deems appropriate and just.

**COUNT X**  
**ANNUAL COMPLIANCE CERTIFICATION VIOLATIONS**

1-12. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, and paragraphs 11 and 12 of Count II, as paragraphs 1 through 12 of this Count X.

13. Condition 2.6(a) of CAAPP Permit 99010001 provides as follows:

a. Compliance Certification

- i. Pursuant to Section 39.5(7)(p)(v)(C) of the Act, the source shall submit annual compliance certifications by May 1 unless a different date is specified by an applicable requirement or by a particular permit condition. The annual compliance certifications shall include the following:
  - A. The identification of each term or condition of this permit that is the basis of the certification.
  - B. The compliance status.
  - C. Whether compliance was continuous or intermittent.
  - D. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.
- ii. Pursuant to Section 39.5(7)(p)(v)(D) of the Act, all compliance certifications shall be submitted to the IEPA Compliance Section. Address is included in Attachment 3.
- iii. Pursuant to Section 39.5(7)(p)(i) of the Act, all compliance reports required to be submitted shall include a certification in accordance with Condition 2.6(b).

14. Swan Surfaces failed to timely submit to Illinois EPA complete and accurate annual compliance certifications for 2018, 2019, and 2020, due on May 1, 2019, May 1, 2020, and May 1, 2021, respectively.



15. Swan Surfaces failed to submit to Illinois EPA complete and accurate annual compliance certifications for 2018, 2019, and 2020 until November 23, 2021.

16. From at least May 1, 2019 until November 23, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to submit complete and accurate annual compliance certifications, in violation of Section 39.5(7)(p)(v)(C) of the Act, 415 ILCS 5/39.5(7)(p)(v)(C) (2022), and Condition 2.6(a) of CAAPP Permit 99010001.

17. By violating Condition 2.6(a) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count X:

A. Finding that Respondent has violated Sections 39.5(6)(a) and 39.5(7)(p)(v)(C) of the Act, 415 ILCS 5/39.5(6)(a) and 39.5(7)(p)(v)(C) (2022), and Condition 2.6(a) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Sections 39.5(6)(a) and 39.5(7)(p)(v)(C) of the Act, 415 ILCS 5/39.5(6)(a) and 39.5(7)(p)(v)(C) (2022), and Condition 2.6(a) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Sections 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 2.6(a) of CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022), and a civil penalty of \$50,000 for each violation of Section 39.5(7)(p)(v)(C) of the Act, 415 ILCS 5/39.5(7)(p)(v)(C) (2022), with an additional civil penalty of \$10,000 for each day each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

**COUNT XI**  
**MONITORING REPORT VIOLATIONS**

1-39. Complainant re-alleges and incorporates by reference paragraphs 1 through 8, 10, and 11 of Count I, paragraphs 11 through 21 of Count II, paragraphs 13 through 18 of Count III, paragraphs 13 through 15 of Count IV, paragraphs 16 through 19 of Count V, paragraphs 13 through 15 of Count VI, paragraphs 15 through 16 of Count VII, paragraphs 13 through 16 of Count VIII, and paragraphs 33 through 39 of Count IX as paragraphs 1 through 39 of this Count XI.

40. Condition 3.5(b) of CAAPP Permit 99010001 provides as follows:

b. Semiannual Reporting

- i. Pursuant to Section 39.5(7)(f)(1) of the Act, the Permittee shall submit a Semi-Annual Monitoring Report to the Illinois EPA, Air Compliance Section, summarizing required monitoring and identifying all instances of deviation from the permit, every six months as follows, unless more frequent reporting is required elsewhere in this Permit.

<u>Monitoring Period</u>	<u>Report Due Date</u>
January through June	September 1
July through December	March 31

- ii. The Semiannual Monitoring Report must be certified by a Responsible Official consistent with Condition 2.6(b)

Note: Required monitoring includes all applicable monitoring, testing, recordkeeping, and reporting requirements. This may include monitoring requirements not addressed within the Compliance Method Sections of this Permit.

41. Swan Surfaces failed to timely submit to the Illinois EPA complete and accurate semi-annual monitoring reports for 2020, including all deviations from CAAPP permit monitoring requirements.

42. Swan Surfaces failed to submit to Illinois EPA complete and accurate semi-annual monitoring reports for 2020, due September 1, 2020 and March 31, 2021, until November 23, 2021.

43. Beginning September 1, 2020 through November 23, 2021, and on dates better known to Swan Surfaces, Swan Surfaces failed to submit complete and accurate semi-annual monitoring reports, in violation of Condition 3.5(b) of CAAPP Permit 99010001.

44. By violating Condition 3.5(b) of CAAPP Permit 99010001, Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, People of the State of Illinois, respectfully requests that the Board enter an order against Respondent, Swan Surfaces, LLC, on Count XI:

A. Finding that Respondent has violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 3.5(b) of CAAPP Permit 99010001;

B. Ordering Respondent to cease and desist from any further violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 3.5(b) of CAAPP Permit 99010001;

C. Assessing against Respondent a civil penalty of \$10,000 for each day of each violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 3.5(b) of CAAPP Permit 99010001, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022);

D. Ordering Respondent to pay all costs, including expert witness, consultant and

attorney fees, expended by the State in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Ordering such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

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

BY: /s/ Andrew Armstrong  
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau/Springfield  
Assistant Attorney General  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL,	)	
Attorney General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 23-
	)	(Enforcement-Air)
SWAN SURFACES, LLC,	)	
a Delaware limited liability corporation,	)	
	)	
Respondent.	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and SWAN SURFACES, LLC, a Delaware limited liability corporation (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2020), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. Contemporaneous with the filing of this Stipulation, a Complaint was filed against the Respondent on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General

of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020).

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 (2020).

3. Swan Surfaces, LLC is a Delaware limited liability corporation that operates a solid surfaces manufacturing facility ("Facility") located at 200 Swan Avenue, Centralia, Marion County, Illinois 62801.

4. Emission sources at the Facility are capable of emitting particulate matter ("PM"), volatile organic matter ("VOM"), and hazardous air pollutants ("HAP").

5. On December 28, 2020, the Illinois EPA issued Respondent Clean Air Act Permit Program ("CAAPP") renewal permit 99010001.

6. On April 14, 2021, Illinois EPA conducted an inspection of the Facility. During the inspection, Respondent was unable to produce numerous required records. Illinois EPA determined that Respondent was not conducting the required monitoring and inspections.

7. Respondent's Annual Emissions Reports ("AERs") are due by May 1 of the following year. Respondent submitted the AERs for 2018 and 2019 on November 23, 2021, and the AER for 2020 on November 28, 2021.

8. Respondent failed to submit to the Illinois EPA semi-annual compliance reports detailing compliance with the provisions of 40 CFR Part 63 Subpart WWWW beginning prior to 2018.

9. Respondent failed to submit deviation reports to the Illinois EPA beginning in 2018.

10. Respondent's annual compliance certifications ("ACCs") are due by May 1 of the following year. Respondent submitted the ACCs for 2018, 2019, and 2020 on November 23, 2021.

11. Respondent's semi-annual monitoring reports are due by September 1 and March 31 and Respondent submitted the semi-annual monitoring reports for 2020 on November 23, 2021.

**B. Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act and Board Regulations:

- Count I: Failure to Timely Submit Annual Emissions Reports  
415 ILCS 5/9(a)  
35 Ill. Adm. Code 201.302(a)  
35 Ill. Adm. Code 254.132(a)
  
- Count II: Failure to Perform Method 22 Opacity Observations  
415 ILCS 5/39.5(6)(a)  
Condition 4.1.2(a)(ii)(A) of CAAPP Permit 99010001  
Condition 4.1.2(a)(ii)(B) of CAAPP Permit 99010001  
Condition 4.2.2(a)(ii)(A) of CAAPP Permit 99010001  
Condition 4.2.2(a)(ii)(B) of CAAPP Permit 99010001  
Condition 4.3.2(a)(ii)(A) of CAAPP Permit 99010001  
Condition 4.3.2(a)(ii)(C) of CAAPP Permit 99010001
  
- Count III: Failure to Conduct Weekly Inspections  
415 ILCS 5/39.5(6)(a)  
Condition 4.1.2(b)(ii)(A) of CAAPP Permit 99010001  
Condition 4.1.2(b)(ii)(B) of CAAPP Permit 99010001  
Condition 4.3.2(a)(ii)(B) of CAAPP Permit 99010001  
Condition 4.3.2(a)(ii)(E)(I) of CAAPP Permit 99010001
  
- Count IV: Failure to Maintain Records of Repair of Dust Collectors  
415 ILCS 5/39.5(6)(a)  
Condition 4.3.2(a)(ii)(E)(II) of CAAPP Permit 99010001
  
- Count V: Failure to Conduct Compliance Verifications and Maintain Records  
415 ILCS 5/9.1(d)(1)  
415 ILCS 5/39.5(6)(a)  
40 CFR 63.5805(b)  
40 CFR 63.5915(d)  
Condition 4.1.2(d)(ii)(A)(II) of CAAPP Permit 99010001  
Condition 4.1.2(d)(ii)(C)(II) of CAAPP Permit 99010001
  
- Count VI: Failure to Keep Maintenance Log  
415 ILCS 5/39.5(6)(a)

Condition 4.1.2(d)(ii)(C)(III) of CAAPP Permit 99010001

- Count VII: Failure to Submit Semi-Annual Compliance Reports  
415 ILCS 5/9.1(d)(1)  
415 ILCS 5/39.5(6)(a)  
40 CFR 63.5910(b)(3)  
Condition 4.1.5(b)(ii)(A) of CAAPP Permit 99010001  
Condition 4.1.5(b)(ii)(B) of CAAPP Permit 99010001  
Condition 4.1.5(b)(ii)(C) of CAAPP Permit 99010001
- Count VIII: Failure to Submit Semi-Annual Compliance Assurance Monitoring Reports  
415 ILCS 5/39.5(6)(a)  
Condition 4.3.2(a)(ii)(F) of CAAPP Permit 99010001  
Condition 7.4(c) of CAAPP Permit 99010001
- Count IX: Failure to Submit Deviation Reports  
415 ILCS 5/39.5(6)(a)  
Condition 4.1.5(a)(ii) of CAAPP Permit 99010001  
Condition 4.2.5(a)(ii) of CAAPP Permit 99010001  
Condition 4.3.5(a)(ii) of CAAPP Permit 99010001
- Count X: Annual Compliance Certification Violations  
415 ILCS 5/39.5(6)(a)  
415 ILCS 5/39.5(7)(p)(v)(C)
- Count XI: Monitoring Report Violations  
415 ILCS 5/39.5(6)(a)  
Condition 3.5(b) of CAAPP Permit 99010001

**C. Admission of Violations**

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

**D. Compliance Activities to Date**

After being notified by the Illinois EPA of failure to timely submit AERs, semi-annual monitoring reports, and ACCs, Respondent submitted AERs, semi-annual monitoring reports, and ACCs to the Illinois EPA. Respondent additionally submitted documentation showing it came into compliance with respect to the required monitoring and inspections.



## **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 and the Board 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 (2020).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), 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. Human health and the environment were threatened and the Illinois EPA's information gathering responsibilities hindered by the Respondent's violations.

2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located, so long as it is operated in compliance with the Act and the Board regulations.
4. Compliance with the terms of Respondent's permit is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations.

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

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), 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. Respondent did not timely submit reports and failed to perform required monitoring and inspections. The recordkeeping and reporting requirements of the CAAPP permit, the AER requirements, and the ACC requirements are of programmatic significance to the Illinois EPA.
2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once Illinois EPA notified it of its noncompliance.
3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Seventy-Five Thousand Dollars (\$75,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was not at issue in this matter.

## **V. TERMS OF SETTLEMENT**

### **A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Seventy-Five Thousand

Dollars (\$75,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

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

Christina L. Nannini  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**D. Future Compliance**

1. Respondent shall timely submit complete and accurate future AERs, ACCs, and semi-annual monitoring reports to the Illinois EPA.

2. Respondent shall conduct all required inspections and maintain all required records at the Facility.

3. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his 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, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

4. 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 and the Board Regulations.

5. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$75,000.00 penalty, its commitment to cease and desist as contained in Section V.D.5 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 contemporaneously with 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.

**F. Enforcement**

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.

**G. 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.

PEOPLE OF THE STATE OF ILLINOIS,

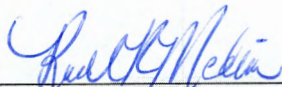
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL  
Attorney General  
State of Illinois

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

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY:



RACHEL R. MEDINA,  
Deputy Bureau Chief  
Environmental Bureau  
Assistant Attorney General

BY:



CHARLES W. GUNNARSON  
Chief Legal Counsel

DATE:

6-12-23

DATE:

SWAN SURFACES, LLC,

BY:



Lowell F. Stonecipher, President

DATE: 4-24-23

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL,	)	
Attorney General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 23-
	)	(Enforcement-Air)
SWAN SURFACES, LLC,	)	
a Delaware limited liability corporation,	)	
	)	
Respondent.	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2020), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 9(a), 9.1(d)(1), 39.5(6)(a), and 39.5(7)(p)(v)(C) of the Act, 415 ILCS 5/9(a), 9.1(d)(1), 39.5(6)(a), and 39.5(7)(p)(v)(C) (2020), and Sections 201.302(a) and 254.132(a) of the Board’s regulations, 35 Ill. Adm. Code 201.302(a) and 254.132(a) (2020), and Conditions of CAAPP Permit 99010001.
2. Complainant filed its Complaint contemporaneously with the Stipulation.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.



5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this Motion for Relief from Hearing Requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

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

By: /s/Christina L. Nannini  
CHRISTINA L. NANNINI, #6327367  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031  
christina.nannini@ilag.gov

Dated: June 12, 2023

**CERTIFICATE OF SERVICE**

I, Christina L. Nannini, an Assistant Attorney General, certify that on the 12<sup>th</sup> day of June, 2023, I caused to be served by U.S. Certified Mail, the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 500 South Second Street, Springfield, Illinois 62701.

By: /s/Christina L. Nannini  
CHRISTINA L. NANNINI, #6327367  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031  
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