

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 29 2003

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
LEHIGH PRESS, INC., a Pennsylvania )  
corporation, a/k/a LEHIGH PRESS- )  
CADILLAC, LEHIGH CADILLAC-DIRECT, )  
LEHIGH DIGITAL AND LEHIGH DIRECT, )  
)  
Respondent. )

No. PCB 03-220  
(Enforcement - Air)

NOTICE OF FILING

TO: Mr. Joseph A. Strubbe  
Vedder, Price, Kaufman & Kammholz  
222 North LaSalle Street  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Illinois Pollution Control Board a Complaint, Notice of Filing, and a Certificate of Service on behalf of the People of the State of Illinois, a copy of which is attached and herewith served upon you.

Section 103.204(f) of the Pollution Control Board Procedural Rules, 35 Ill. Adm. Code 103.204(f) provides: "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.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY:



ZEMEHERET BEREKET-AB  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20th Flr.  
Chicago, IL 60601  
(312) 814-3816

DATE: May 29, 2003

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

MAY 29 2003

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 CADILLAC, LEHIGH CADILLAC-DIRECT, )  
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 Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

No. PCB 03-220

( Enforcement - Air)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS by LISA  
 MADIGAN, Attorney General of the State of Illinois, complains of  
 Respondent, LEHIGH PRESS, INC., a Pennsylvania Corporation, as  
 follows:

COUNT I

CAUSING OR ALLOWING AIR POLLUTION

1. This Complaint is brought by Attorney General Lisa  
 Madigan on her own motion and at 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. 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.

3. Respondent, Lehigh Press, Inc., is a Pennsylvania  
 corporation qualified to do business in the State of Illinois.

The Illinois Secretary of State's corporate records and business registration show that Lehigh Press, Inc. uses several trade style names such as Lehigh Press-Cadillac, Lehigh Cadillac - Direct, Lehigh Digital and Lehigh Direct (hereinafter referred to as "Lehigh").

4. At all times relevant to this Complaint, Lehigh owned and operated a commercial printing facility located at 25th and Lexington Avenue, Broadview, Cook County, Illinois ("Facility").

5. At the Facility, Lehigh operates eight emission units which consist of heatset web offset lithographic printing presses with dryers.

6. On February 24, 1999, the Illinois EPA issued to Lehigh Press-Cadillac Clean Air Act Permit Program permit No. 95100080 to operate eight emission source(s) and pollution control equipment consisting of heatset web offset lithographic printing presses with dryers including Press # 34. The permit expires on February 24, 2004.

7. On May 29, 2001, the Illinois EPA issued construction permit no. 01040039 to Lehigh Cadillac-Direct to construct a ninth press (Press # 47).

8. On January 16, 2002, the Cook County Department of Environmental Control ("CCDEC") inspected the Facility and observed the following violations of the Act, Illinois Pollution Control Board ("Board") Air Pollution Regulations, and Respondent's CAAPP permit No. 95100080:

- failure to promptly notify the Illinois EPA of noncompliance with CAAPP permit No. 95100080;

- failure to operate and maintain the flame oxidizer for Press #34 above the required temperature of 1400° F during operation of the print line as required by CAAPP permit no. 95100080;
- failure to operate the flame oxidizer for Press #34 so that volatile organic material ("VOM") emissions from the press dryer exhaust are reduced by 90 percent;
- failure to install, calibrate, operate and maintain, in accordance with the manufacturer's specifications, a continuous recorder on the temperature monitoring device(s), such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor, for the flame oxidizer on Press #34;
- failure to collect and record daily afterburner monitoring data for the flame oxidizer on Press 34;

9. On the basis of the CCDEC's observations, the Illinois EPA, on May 16, 2002, issued a violation notice to Lehigh Cadillac-Direct for violations of the Act, Board regulations and CAAPP permit conditions.

10. 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, or so as to violate regulations or standards adopted by the Board under this Act;

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

No person shall cause 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.

12. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, defines "air pollution" as:

The presence in the atmosphere of one or more air 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 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, defines "air contaminant" as:

Any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source.

14. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2002), titled, Prohibitions, provides 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 [Illinois Environmental Protection] Agency under this Section or to violate any other applicable requirements.

15. Section 3.26 of the Act, 415 ILCS 5/3.26 (2002), defines "person" as follows:

"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.

16. Lehigh is a person as that term is defined in Section 3.26 of the Act, 415 ILCS 5/3.26 (2002).

17. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002), titled, Definitions, provides the following relevant definitions:

"CAAPP" means the Clean Air Act Permit Program.

"CAAPP Permit" or "permit" means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP Source" means any source for which the owner or operator is required to obtain a CAAPP permit.

"Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any air pollutant.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Stationary source" means any building structure, facility, or installation, that emits or may emit any regulated air pollutant.

18. Lehigh is an owner or operator because it owns and operates the Lehigh-Cadillac stationary source.

19. The nine heatset web offset lithographic printing presses are emission units that have the potential to emit regulated air pollutants.

20. The Lehigh facility is a stationary source because it is a structure or facility that emits or may emit any regulated air pollutants such as volatile organic materials ("VOMs").

21. VOMs, air contaminants, are gaseous matter that are capable of being released into the atmosphere from an emission source as the term "air contaminant" is defined by Section

201.102 of the Board Air Pollution Regulations, 35 Ill, Adm. Code 201.102.

22. Section 218.407(a)(1)(c) of the Board Air Pollution Regulations, titled, Emission Limitations and Control Requirements for Lithographic Printing Lines on and after March 15, 1996, 35 Ill. Adm. Code 218.407(a)(1)(c), provides as follows:

- a) On and after March 15, 1996, no owner or operator of lithographic printing line(s) subject to the requirements of this Subpart shall:
  - 1) Cause or allow the operation of any heatset web offset lithographic printing line unless:
    - C) An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhaust(s) are reduced by 90 percent, by weight, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon).

23. Condition 7.1.3(e)(i)(C) of CAAPP permit No. 95100080 issued to Respondent provides as follows:

An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhaust(s) are reduced by 90 percent, by weight, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon).

24. Condition 7.1.5(a) of CAAPP permit No. 95100080 issued to Lehigh-Cadillac on February 24, 1999, provides as follows:

The afterburners (2013, 2046, and the flame oxidizer) combustion chamber shall be preheated to the manufacturer's recommended temperature but not lower than 1400° F, before the printing process is begun, and this temperature shall be maintained during operation of the affected printing lines.

25. From February 1999, until July 2002, Respondent failed



to operate the afterburner of Press #34 at or above the minimum temperature of 1400° F as required by permit condition 7.1.5(a) of CAAPP permit no. 95100080.

26. The required minimum operating temperature of 1400° F would ensure a 90 percent reduction in VOM emissions as required by 35 Ill. Adm. Code 218.407(a)(1)(c) and permit condition 7.1.5(a).

27. By operating the afterburner of press #34 at a temperature below 1400°F, Respondent failed to demonstrate compliance with the 90% reduction in VOM emissions, thereby, causing, threatening or allowing the release of VOM, air contaminants, into the environment in the State of Illinois.

28. By causing, threatening or allowing VOM, air contaminants, to be released into the environment, Respondent caused, threatened, or allowed air pollution in Illinois in violation of Section 9(a) of the Act and Section 201.141 of the Board Air Pollution Regulations.

29. By operating the afterburner at a temperature below 1400°F and by failing to demonstrate that it reduces VOM emissions from the Facility by 90%, Respondent violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a)(2002), 35 Ill. Adm. Code 218.407(a)(1)(c), and conditions 7.1.5(a) and 7.1.3(e)(i)(C) of CAAPP permit No. 95100080.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of

Complainant and against Respondent with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(a) and 39.5(6)(a) of the Act, 35 Ill. Adm. Code 218.407(a)(1)(C) and CAAPP permit conditions 7.1.5(a) and 7.1.3(e)(i)(C) of permit No. 95100080;
3. Ordering Respondent to cease and desist from any further violations of the Act and 35 Ill. Adm. Code provisions and CAAPP permit conditions cited above;
4. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 9(a) of the Act, and Board Air Pollution regulations promulgated thereunder and CAAPP permit conditions, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation of Section 9(a) of the Act, and Ten Thousand Dollars (\$10,000.00) per day for each violation of Section 39.5(6)(a) of the Act;
5. Ordering Respondent to pay all costs pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate.

COUNT II

FAILURE TO INSTALL RECORDING DEVICES AND FAILURE TO  
COLLECT MONITORING DATA

1 - 20. Complainant realleges and incorporates by reference herein, paragraphs 1 through 6 and paragraphs 8-21 of Count I as paragraphs 1 through 20 of this Count II.

21. 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.

22. Section 218.410(c)(2) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.410(c)(2), titled, Monitoring Requirements for Lithographic Printing, provides as follows:

- c) Afterburners For Heatset Web Offset Lithographic Printing Line(s). If an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to Section 218.407(a)(1)(C) of this Subpart shall:
  - 2) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device(s), such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.

23. Condition 7.1.9(c)(ii) of CAAPP permit NO. 95100080 provides as follows:

Pursuant to 35 IAC 218.411(b)(3), an owner or operator of a heatset web offset lithographic printing line(s)

subject to the control requirements of Condition 7.1.3(e)(i)(C) (see also 35 IAC 218.407(a)(1)(C) shall collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Condition 7.1.3(e)(i)(c) (see also 35 IAC 218.407(a)(1)(c):

- ii. A log of operating time for the afterburner, monitoring equipment, and the associated printing press [35 IAC 218.411(b)(3)(B)];

24. Section 218.411(b)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(b)(3), titled, Recording and Reporting for Lithographic Printing, provides, in pertinent part, as follows:

- b) An owner or operator of a heatset web offset lithographic printing line(s) subject to the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart shall comply with the following:
  - 3) On and after March 15, 1996, collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Section 218.407(a)(1)(C) ( or (b)(1) of this Subpart:
    - A) Afterburner or other approved control device monitoring data in accordance with Section 218.410(c) or (d) of this Subpart, as applicable;
    - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;
    - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

25. Operating permit condition 7.1.9(c)(i) of CAAPP permit No. 95100080 provides as follows:

Pursuant to 31 IAC 218.411(b)(3), an owner or operator of a heatset web offset lithographic printing line(s) subject to control requirements of Condition 7.1.3(e)(i)(C) (see also 35 IAC 218.407(a)(1)(C) shall collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Condition 7.1.3(e)(i)(C) (see also 35 IAC 218.407(a)(1)(C)):

- i. Afterburner monitoring data in accordance with Condition 7.1.8(c) (see also 35 IAC 218.401(c) [35 IAC 218.411(b)(3)(A)];

26. The afterburner on Press #34 was equipped with a chart recorder. However, in June 1997, the chart recorder broke and sometime in July 2002, Respondent reconfigured Press #34 by removing the flame oxidizer and reducing the emissions from Press #34 to the Facility's larger existing afterburner. During this time, the afterburner was not equipped with the required recording device.

27. From June 1997 until the press was reconfigured in July 2002, Respondent did not collect and record monitoring data for Press #34.

28. By failing to install, calibrate, operate, maintain, collect and record data on press #34, Respondent violated Sections 9(b) and 39.5(6)(a) of the Act, 415 ILES 5/9(b) and 39.5(6)(a)(2002), 35 Ill. Adm. Code 218.410(c)(2), 218.411(b)(3) and Condition 7.1.9(c)(i) of CAAPP operating permit No. 95100080 and Condition 1.1.9(b)(i) of construction permit No. 01040039.

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

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

2. Finding Respondent has violated Sections 9(b) and 39.5(6)(a) of the Act, 35 Ill. Adm. Code 218.410(c)(2), 218.411(b)(3), and Condition 7.1.9(c)(i) of CAAPP operating permit No. 95100080;

3. Ordering Respondent to cease and desist from further violations of the Act, Board Air Pollution Regulations and operating and construction permit conditions;

4. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 9(b) the Act and Board regulations promulgated thereunder and CAAPP permit conditions with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation of Section 9(b) of the Act; and Ten Thousand Dollars (\$10,000.00) per day for each violation of Section 39.5(6)(a) of the Act;

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

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

COUNT III

FAILURE TO REPORT TO THE ILLINOIS EPA  
NONCOMPLIANCE WITH PERMIT CONDITIONS

1 - 8. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 6 and paragraphs 8 and 9 of Count I as paragraphs 1 through 8 of this Count III.

9. Condition 5.7.1 of CAAPP permit No. 95100080 issued to Lehigh provides as follows:

The Permittee shall promptly notify the Illinois EPA, Compliance Section of noncompliance with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.

10. From February 24, 1999, the date the CAAPP permit was issued, until July 2002, when Lehigh reconfigured Press #34 by removing the flame oxidizer and reducing the emissions from Press #34 to the Facility's larger existing afterburner, Respondent did not operate Press #34 in compliance with the terms and conditions of its CAAPP permit No. 95100080 which requires Respondent to maintain a continuous temperature recorder and data monitoring equipment.

11. As required by condition 5.7.1 of CAAPP permit No. 95100080, Respondent did not promptly notify the Illinois EPA when it reconfigured Press #34 and also operated the press without the required data monitoring equipment.

12. By failing to comply with condition 5.7.1 of its CAAPP permit NO. 95100080, Respondent violated Sections 39.5(6)(a) and 9(b) of the Act, 415 ILCS 5/39.5(6)(a) and 9(b)(2002).

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

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

2. Finding Respondent has violated Sections 39.5(6)(a) and 9(b) of the Act and CAAPP permit conditions 5.7.1;

3. Ordering Respondent to cease and desist from further violations of Section 39.5(6)(a) and 9(b) of the Act and CAAPP permit condition 5.7.1;

4. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 9(b) of the Act and the regulations promulgated thereunder and CAAPP permit condition 5.7.1 with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation of Section 9(b) of the Act, and for regulations promulgated thereunder and CAAPP permit condition 5.7.1 and Ten Thousand Dollars (\$10,000.00) per day for each day during which the violation continues;

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

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



COUNT IV

FAILURE TO SUBMIT COMPLETED SEMI-ANNUAL REPORTS  
AND ANNUAL COMPLIANCE CERTIFICATIONS

1 - 20. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 6 and paragraphs 8 through 21 of Count I as paragraphs 1 through 20 of this Count IV.

21. Condition 8.6.1 of CAAPP permit No. 95100080 provides as follows:

A report summarizing required monitoring as specified in the conditions of this permit shall be submitted to the Air Compliance Section of the Illinois EPA every six months as follows [Section 39.5(7)(f) of the Act]:

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

All instances of deviations from permit requirements must be clearly identified in such reports. All such reports shall be certified in accordance with Condition 9.9

22. Condition 9.8(a) of CAAPP permit No. 95100080 provides as follows:

Pursuant to Section 39.5(7)(p)(v) of the Act, the Permittee shall submit compliance certifications annually or more frequently as specified in the applicable requirement or by permit condition.

- a. The certification shall include the identification of each term or condition of this permit that is the basis of the certification; the compliance status; whether compliance was continuous or intermittent; 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.

23. Respondent submitted incomplete semi-annual monitoring reports and annual compliance certifications for calendar years 2000 and 2001.

24. Respondent did not report the instances of deviations from permit requirements for press #34 in the semi-annual reports and annual compliance certifications for calendar years 2000 and 2001.

25. By failing to submit complete semi-annual reports and compliance certifications for calendar years 2000 and 2001, Respondent violated permit Conditions 8.6.1 and 9.8(a).

26. By failing to comply with permit conditions 8.6.1 and 9.8(a), Respondent violated Sections 39.5(6)(a) and 9(b) of the Act, 415 ILCS 5/39.5(6)(a) and 9(b) (2002).

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

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

2. Finding that Respondent has violated Section 39.5(6)(a) and 9(b) of the Act and CAAPP permit conditions 8.6.1 and 9.8(a) of CAAPP permit No. 95100080;

3. Ordering Respondent to cease and desist from any further violations of Section 39.5(6)(a) and 9(b) of the Act and the CAAPP permit conditions cited above;

4. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation

of Section 9(b) of the Act and regulations promulgated thereunder and CAAPP permit condition 8.6.1 of CAAPP permit no. 95100080 with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day during which the violation continues;

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

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

COUNT V

CONDUCTING EMISSION TESTING WITHOUT NOTIFYING  
THE ILLINOIS EPA

1 - 8. Complainant realleges and incorporates by reference herein, paragraphs 1 through 7 and 14 of Count I as paragraphs 1 through 8 this Count V.

9. 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;

10. Condition 1.1.7(a) of construction permit No. 01040039 issued to Respondent to construct press #47 provides as follows:

Testing to demonstrate compliance with the requirements of Condition 1.1.3(d) (see also 35 IAC 218.407(a)) shall be conducted by the Permittee within 60 days of initial startup. Such testing shall be conducted at the expense of the Permittee and the Permittee shall notify the Illinois EPA in writing 45 days in advance of conducting such testing to allow the Illinois EPA to review the procedures proposed for emission testing and to be present during such testing.

11. Respondent had an initial startup for press #47 on August 2, 2001.

12. On February 5, 2002, Respondent conducted emission testing on press #47 to demonstrate compliance with permit conditions.

13. Construction permit condition 1.1.7(a) requires Respondent to notify the Illinois EPA in writing 45 days in advance of conducting such testing.

14. Respondent did not notify the Illinois EPA 45 days prior to February 5, 2002. Respondent notified the Illinois EPA on February 7, 2002, two days after it had already conducted the emission testing.

15. By failing to notify the Illinois EPA 45 days prior to testing, Respondent violated Condition 1.1.7(a) of its construction permit No. 01040039.

16. By violating its construction permit condition, Respondent also violated Sections 9(b) and 39.5(6)(a) of the Act, 415 ILCS 5/9(b) and 39.5(6)(a) (2002).

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

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(b) and 39.5(6)(a) of the Act and condition 1.1.7(a) of Construction permit No. 01040039;
3. Ordering Respondent to cease and desist from any further violations of Sections 9(b) and 39.5(6)(a) of the Act and construction permit conditions;
4. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of Sections 9(b) and 39.5(6)(a) of the Act, and condition 1.1.7(a) of construction permit no. 01040039, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day during which the violation continues;
5. Ordering Respondent to pay all costs pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

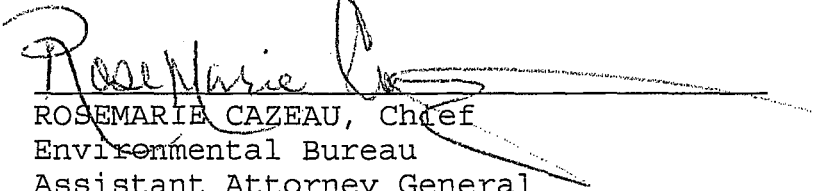
6. Granting such other relief as the Board deems appropriate.

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

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

By:

  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General


OF COUNSEL:

ZEMEHERET BEREKET-AB  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph Street, 20th Floor  
Chicago, IL 60601  
(312) 814-3816

H:\common\Environmental\Carmel\LEIGH PRESS COMP.wpd

CERTIFICATE OF SERVICE

I, ZEMEHERET BEREKET-AB, an Assistant Attorney General in this case, do certify that on this 29th day of May 2003, I caused to be mailed via certified mail the foregoing Complaint, Notice of Filing, and a Certificate of Service upon the person listed on the Notice of Filing by placing same in an envelope, postage prepaid, and depositing same with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois.



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ZEMEHERET BEREKET-AB