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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by JAMES E. RYAN, Attorney)
General of the State of Illinois)
Complainant,)
v.)
PLASTIC DECORATORS, INC.,)
an Illinois corporation,)
Respondent.)

No. PCB 01-28

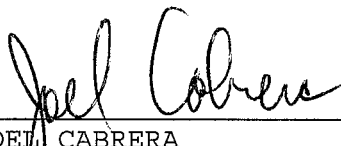
NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed a Complaint 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.

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
Attorney General
State of Illinois

BY:


JOEL CABRERA
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Floor
Chicago, IL 60601
312/814-5282

DATE: August 10, 2000

THIS FILING SUBMITTED ON RECYCLED PAPER

SERVICE LIST

VIA REGISTERED MAIL

Ray DeMatteo, C.E.O.
Plastic Decorators Inc.
1330 Holmes Road
Elgin, Illinois 60123

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Respondent.)

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COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN,
Attorney General of the State of Illinois, complains of Respondent,
PLASTIC DECORATORS, INC., an Illinois corporation, as follows:

COUNT I

CONSTRUCTION OF A MAJOR MODIFICATION
IN VIOLATION OF NEW SOURCE REVIEW'S EMISSION CONTROL
AND OFFSET REQUIREMENTS

1. This Complaint is brought on behalf of the PEOPLE OF THE
STATE OF ILLINOIS, ("Complainant") by JAMES E. RYAN, Attorney General
of the State of Illinois, on his own motion and upon the request of
the Illinois Environmental Protection Agency ("Illinois EPA") pursuant
to the terms and provisions of Section 31 of the Illinois
Environmental Protection Act ("Act"), 415 ILCS 5/31(2000).

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
(2000), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, PLASTIC

DECORATORS, INC., an Illinois corporation, ("Respondent") is an Illinois corporation duly organized and existing under the laws of the State of Illinois and is in good standing.

4. The registered agent for Respondent is Norman Chimenti, 2215 South York Road, Suite 550, Oak Brook, Illinois.

5. At all times relevant to this Complaint, the Respondent has and continues to operate at its facility located at 1330 Holmes Road, Elgin, Kane County, IL ("facility").

6. Respondent manufactures a variety of automotive plastic parts such as knobs, switches, dials, control panels and bezels. Respondent's manufacturing process generally consists of the formation of the plastic parts in approximately thirty-two (32) injection molding machines. Once formed, the parts are coated with a variety of primers, black coatings and other high performance-type coating materials. Some parts are also labeled by inkpad printing or laser etching. The primers and paints used in the manufacturing process contain volatile organic material ("VOM".)

7. Since at least 1992 through the filing of the complaint, the Respondent has discharged or emitted greater than 25 tons/year of VOM from the facility into the environment as part of its coating operations.

8. Beginning in 1984 and on dates better known to Respondent, Respondent constructed and has operated the following air emission sources at its facility: twenty (20) spray booths, thirty-four (34)

molding machines, twenty-nine (29) infra-red material dryers, seventeen (17) pad print machines, and twelve (12) laser machines.

9. Section 3.06 of the Act, 415 ILCS 5/3.06 (2000), contains the following definition:

"CONTAMINANT" is any solid, liquid, gaseous matter, any odor, or any form of energy, from whatever source.

10. Section 211.7150 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 211.7150, provides the following definitions:

"Volatile Organic Material (VOM)" or "Volatile Organic Compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactivity.

11. VOM is a "contaminant", as that term is defined in Section 3.06 of the Act, 415 ILCS 5/3.06 (2000).

12. Sections 3.26 of the Act, 415 ILCS 5/3.06 (2000), provides the following definition:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

13. The Respondent, is a "person" as the term is defined in Section 3.26 of the Act, 415 ILCS 5/3.26 (2000).

14. Chapter I of Subtitle B of 35 Ill. Adm. Code sets forth the Board Air Pollution Regulations.

15. Section 211.1950 of the Board Air Pollution Regulations, 35

Ill. Adm. Code 211.1950, provides as follows:

Emission unit

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

16. Respondent's facility contains numerous emission units that are capable of emitting VOM to the atmosphere.

17. Section 9(a) of the Act, 415 ILCS 5/9(a) (2000), provides as follows:

No person shall:

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.

18. Section 201.141 of the Board Air Pollution Regulations, 35

Ill. Adm. Code 201.141, provides as follows:

Prohibition of Air Pollution

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter . . .

19. Section 9.1(c) of the Act, 415 ILCS 5/9.1(c) (2000), provides as follows:

The Pollution Control Board may adopt regulations establishing permit programs meeting the requirements of Sections 165 and 173 of the Clean Air Act (42 USC 7475 and 42 USC 7503) as amended. The Agency may adopt procedures for the administration of such programs.

20. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2000), provides in pertinent part as follows:

No person shall:

Construct, install, modify or operate any equipment, building, facility, source or installation which is subject to regulation under Sections 111, 112, 165, or 173 of the Clean Air Act, as now or hereafter amended, except in compliance with the requirements of such Sections and federal regulations adopted pursuant thereto, and no such action shall be undertaken without a permit granted by the Agency or in violation of any conditions imposed by such permit. Any denial of such a permit or any conditions imposed in such a permit shall be reviewable by the Board in accordance with Section 40 of this Act.

21. Section 172 of the Clean Air Act, 42 U.S.C.S. 7502 (1997), provides, in pertinent part as follows:

(c) Non-attainment Plan Provisions. The plan provisions (including plan items) required to be submitted under this part shall comply with each of the following:

(5) Permits for New and Modified Major Stationary Sources - Such plan provisions shall require permits for the construction and operation of new or modified major stationary sources anywhere in the non-attainment area, in accordance with Section 173.

22. Section 173 of the Clean Air Act, 42 U.S.C.S. 7503 (1997), provides, in pertinent part as follows:

In General - The permit program required by Section 172(b)(6) shall provide that permits to construct and operate may be issued if -

(1) in accordance with regulations issued by the Administrator for the determination of baseline emissions in a manner consistent with the assumptions underlying the applicable implementation plan approved under section 110 and this part, the permitting agency determines that -

(A) by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that the total allowable emissions from existing sources (as determined in accordance with the regulations under this paragraph) prior to the application for such permit to construct or modify so as to represent (when considered together with the plan provisions required under section 172) reasonable further progress (as defined in section 171); or

* * *

(2) the proposed source is required to comply with the lowest achievable emission rate;

* * *

23. Section 203.201 of the Board Air Pollution Regulations, 35

Ill. Adm. Code 203.201, provides as follows:

Prohibition

In any non-attainment area, no person shall cause or allow the construction of a new major stationary source or major modification that is major for the pollutant for which the area is designated a non-attainment area, except as in compliance with this Part for that pollutant. In areas designated non-attainment for ozone, this prohibition shall apply to new major stationary sources or major modifications of sources that emit volatile organic materials or nitrogen oxides. Revisions to this Part which were adopted to implement the Clean Air Act Amendments of 1990 shall not apply to any new major stationary source or major modification for which a permit application was submitted by June 30, 1992 for PM-10, May 15, 1992 for SO₂, or by November 15, 1992 for nitrogen oxides and volatile organic material emissions for sources located in all ozone non-attainment areas.

24. Section 203.112 of the Board Air Pollution Regulations,

35 Ill. Adm. Code 203.112, provides as follows:

Building, Structure and Facility

The terms "building", "structure", and "facility" include all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control)....

25. Section 203.136 of the Board Air Pollution Regulations,

35 Ill. Adm. Code 203.136, provides as follows:

Stationary Source

"Stationary source" means any building, structure, facility or installation which emits or may emit any air pollutant subject to regulation under the Act or this Chapter, or by USEPA under the Clean Air Act (42 U.S.C. 7401 et seq.).

26. Section 203.206 of the Board Air Pollution Regulations,

35 Ill. Adm. Code 203.206, provides, in pertinent part as follows:

Major Stationary Sources

(a) For purposes of this Part, the term "major stationary source" shall exclusively mean "building, structure and facility," as those terms are defined in Section 203.113 of this Part.

(b)(1) For an area designated as non-attainment for ozone, a major stationary source is a stationary source which emits or has the potential to emit volatile organic material in an amount equal to or greater than the following:

* * *

C) 25 tons per year in an area classified as severe non-attainment for ozone.

27. Respondent's facility is located in an area designated severe non-attainment for ozone and constitutes a stationary source as that term is defined by Section 203.136 of the Board Air Pollution

Regulations, 35 Ill. Adm. Code 203.136.

28. Respondent's facility emitted, and possessed the potential to emit, VOM emissions of at least 25 tons per year. Respondent's facility, therefore, constituted a major stationary source, as defined by Sections 203.113 and 203.206(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.113 and 203.206(a).

29. Section 203.207 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.207, provides, in pertinent part as follows:

Major Modification of a Source

- a) Except as provided in subsection (c), (d), (e), or (f) below, a physical change, or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant for which the area is designated a non-attainment area, shall constitute a major modification of a source.

30. Section 203.208 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.208, provides, in pertinent part as follows:

Net Emission Determination

A net emission increase in the amount by which the sum of any increase in actual emissions from a particular physical change or change in method of operation at a source, and any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable, exceeds zero. The following steps determine whether the increase or decrease in emissions is available.

- a) Except for increases or decreases in volatile organic material and nitrogen oxide emissions in serious and severe ozone non-attainment areas which are addressed in Section 203.209(b), an increase or decrease in actual emissions is contemporaneous only if it occurs between the date that an increase from a particular change occurs and the date five years before a timely and complete

application is submitted for the particular change. It must also occur after either April 24, 1979, or the date the area is designated by the United States Environmental Protection Agency as a non-attainment area for the pollutant, whichever is more recent.

31. Section 203.104 of the Board Air Pollution Regulations, 35

Ill. Adm. Code 203.104, provides in pertinent part as follows:

Actual Emissions

"Actual Emissions" means the actual rate of annual emissions of a pollutant from an emissions unit as of a particular date. Actual emissions are equal to the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during the two-year period which immediately precedes the particular date or such other period which is determined by the Illinois Environmental Protection Agency (Agency) to be representative of normal source operation.

32. Section 203.209(b) of the Board Air Pollution Regulations,

35 Ill. Adm. Code 203.209(b), provides as follows:

Significant Emissions Determination

- b) For areas classified as serious or severe non-attainment for ozone, an increase in emissions of volatile organic material or nitrogen oxides shall be considered significant if the net emissions increase of such air pollutant from a stationary source located within such area exceeds 25 tons when aggregated with all other net increases in emissions from the source over any period of 5 consecutive calendar years which includes the calendar year in which such increase occurred. This provision shall become effective beginning November 25, 1992, or such later date than an area is classified as a serious or severe non-attainment area for ozone.

33. The Respondent caused or allowed the construction of numerous emission units in 1993 at the subject facility that resulted in a significant net emissions increase in VOM emissions.

Specifically, the Respondent constructed spray-booths nos. 11, 12, 23, 24 and 25 in 1993 which resulted in an net emissions increase in actual VOM emissions of approximately 55 tons when compared to the average rate of VOM emissions from the subject facility in the prior two-year period. As a consequence of an increase in VOM emissions that exceeded the 25 ton significance threshold for a severe ozone non-attainment area, the Respondent caused or allowed a major modification to an existing major source.

34. The Respondent caused or allowed the construction of two additional emission units in 1994 at the subject facility that resulted in a significant net emissions increase in VOM emissions. Specifically, the Respondent constructed spray-booths nos. 22 and 29 in 1994 that resulted in a net emissions increase in actual VOM emissions of approximately 50 tons when compared to the average rate of VOM emissions from the subject facility in the prior two-year period. As a consequence of an increase in VOM emissions that exceeded the 25 ton significance threshold for a severe ozone non-attainment area, the Respondent caused or allowed a major modification to an existing major source.

35. Section 203.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.301, provides in pertinent part as follows:

Lowest Achievable Emissions

- a) For any source, the lowest achievable emissions rate (LAER) will be the more stringent rate of emissions based on the following:

- 1) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless it is demonstrated that such limitation is not achievable; or
- 2) The most stringent emission limitation which is achieved in practice by such a class or category of stationary source....

* * *

- c) Except as provided in subsection (e) or (f) below, the owner or operator of a major modification shall demonstrate that the control equipment and process measures applied to the major modification will produce LAER. This requirement applies to each emission unit at which a net increase in emissions of the pollutant has occurred or would occur as a result of a physical change or change in the method of operation.

36. Section 203.302 of the Board Air Pollution Regulations, 35

Ill. Adm. Code 203.302, provides in pertinent part as follows:

Maintenance of Reasonable Further Progress and Emission Offsets

- a) The owner or operator of a new major source or major modification shall provide emission offsets equal to or greater than the allowable emissions from the source or the net increase in emissions from the modification sufficient to allow the Agency to determine that the source or modification will not interfere with reasonable further progress as set forth in Section 173 of the Clean Air Act (42 U.S.C. 7401 et seq.).
 - 1) For new major sources or major modifications in ozone non-attainment areas the ratio of total emission reductions provided by emission offsets for volatile organic material or nitrogen oxides to total increased emissions of such contaminants shall be at least as follows:
 - D) 1.3 to 1 in areas classified as severe;

* * *

37. The Respondent failed to demonstrate LAER or obtain emission offsets at the required 1.3 to 1 ratio in conjunction with the construction of the major modifications at the subject facility in both 1993 and 1994. As such, the Respondent violated Sections 9(a) and 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2000), and Sections 201.141 and 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141 and 203.201.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board enter judgment in favor of Complainant and against the Respondent, PLASTIC DECORATORS, INC., on Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent have violated Sections 9(a) and 9.1(d) of the Act and 201.141 and 203.201 of 35 Ill. Adm. Code;
3. Ordering the Respondent to cease and desist from further violations of Sections 9(a) and 9.1(d) of the Act and 201.141 and 203.201 of 35 Ill. Adm. Code;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;
5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees,

against the Respondent; and

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

COUNT II

CONSTRUCTION OF EMISSION SOURCES WITHOUT A PERMIT

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

17. Section 9(b) of the Act, 415 ILCS 5/9(b) (2000), provides as follows:

No person shall:

* * *

Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

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

Construction Permit Required

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

19. Section 201.102 of the Board Air Pollution Regulations, 35

Ill. Adm. Code 201.102, contains the following definitions:

Definitions

"Emission Source": any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"Existing Emission Source": any emission source, the construction or modification of which has commenced prior to April 14, 1972.

"New Emission Source": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Specified Air Contaminant": any air contaminant as to which this Subtitle contains emission standards or other specific limitations.

20. VOM is a "specified air contaminant" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

21. The Respondent is a major source of VOM in the Elgin, Kane County, Illinois, severe non-attainment ozone area.

22. Because the equipment located at Respondent's facility referenced in paragraph 8 of Count I above, emit, or are capable of emitting VOM, a specified air contaminant, they are "emission sources" as that term is defined in Section 201.102 of the Board Air Pollution Regulations 35 Ill. Adm. Code 201.102.

23. Because Respondent's equipment was constructed after April 14, 1972, they are "new emission sources" as the term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm.

Code 201.102.

24. Since August of 1984, or on dates better known to Respondent, the Respondent has constructed twenty (20) spray booths, thirty-four (34) molding machines, twenty-nine (29) infra-red material dryers, seventeen (17) pad print machines, and twelve (12) laser machines, new emission sources without having first obtained the required construction permits from the Illinois EPA.

25. Respondent by constructing the equipment referenced in paragraph 24 above without first obtaining the requisite permits from the Illinois EPA, violates Section 9(b) of the Act, 415 ILCS 5/9(b) (2000) and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board enter a judgment in favor of Complainant and against the Respondent, PLASTIC DECORATORS, INC., on Count II:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 9(b) of the Act and 35 Ill. Adm. Code 201.142;
3. Ordering the Respondent to cease and desist from further violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.142;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and

pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

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

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

COUNT III

OPERATION OF EMISSIONS SOURCES WITHOUT A PERMIT

1-22. Complainant realleges and incorporates by reference herein paragraphs 1 through 17 and paragraphs 19 through 23 of Count II as paragraphs 1 through 22 of this Count III.

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

Operating Permit for New Sources

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit.

24. Since August of 1984, or on dates better known to Respondent, the Respondent has operated twenty (20) spray booths, thirty-four (34) molding machines, twenty-nine (29) infra-red material dryers, seventeen (17) pad print machines and twelve (12) laser

machines, without having the requisite operating permits from the Illinois EPA.

25. The Respondent, by its conduct as alleged herein, violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2000) and Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board enter a judgment in favor of Complainant and against the Respondent, PLASTICS DECORATORS, on Count III:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 9(b) of the Act and 35 Ill. Adm. Code 201.143;
3. Ordering the Respondent to cease and desist from further violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.143;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against the Respondent; and
6. Granting such other relief as the Board deems appropriate

and just.

COUNT IV

CONSTRUCTION OF A MAJOR SOURCE IN VIOLATION OF NEW SOURCE REVIEW'S PRE-CONSTRUCTION REVIEW REQUIREMENTS

1-30. Complainant realleges and incorporates by reference herein paragraphs 1 through 17 and paragraphs 19 through 29 of Count I and paragraphs 19 and 23 of Count II as paragraphs 1 through 30 of this Count IV.

31. Section 203.202 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.202, provides as follows:

Coordination with Permit Requirement and Application Pursuant to 35 Ill. Adm. Code 201

For new major sources and major modifications, the fulfillment of the requirements of 35 Ill. Adm. Code 201 relating to construction, including the permit requirements of 35 Ill. Adm. Code 201.142, shall be combined with the requirements of this Subpart.

32. Section 203.203 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.203, provides in pertinent part as follows:

Construction Permit Requirement and Application,

- a) A construction permit is required prior to actual construction of a major new source or major modification.
- b) Applications for construction permits required under this Section shall contain sufficient information to demonstrate compliance with 35 Ill. Adm. Code 201 and the requirements of this Part including, but not limited to, Subpart C.

33. The Respondent constructed numerous spray booths in 1993 and 1994 that resulted in major modifications to the subject facility in those respective years. The Respondent did not obtain any

construction permits authorizing the major modifications. By failing to obtain the necessary pre-construction review from the Illinois EPA for the major modifications, the Respondent violated Sections 9.1(d) and 9(b) of the Act, and Sections 203.203(a) and 203.203(b) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.203(a), 203.203(b).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board enter a judgment in favor of Complainant and against the Respondent, PLASTIC DECORATORS, INC., on Count VI:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Sections 9.1(d) and 9(b) of the Act and Sections 203.203(a) and 203.203(b) of 35 Ill. Adm. Code;
3. Ordering the Respondent to cease and desist from further violations of Sections 9.1(d) and 9(b) of the Act and Sections 203.203(a) and 203.203(b) of 35 Ill. Adm. Code;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action pursuant to Section 42(f) of

the Act, including attorney, expert witness and consultant fees, against the Respondent; and

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

COUNT V

FAILURE TO SUBMIT ANNUAL EMISSION REPORTS

1-22. Complainant realleges and incorporates by reference herein paragraphs 1 through 17 and paragraphs 19 through 23 of Count II as paragraphs 1 through 22 of this Count V.

23. Section 201.302 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302, provides as follows:

Reports

The owner or operator of any emission source or air pollution control equipment . . . shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports where necessary to accomplish the purposes of the Act and this Chapter.

24. Section 254.201 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.201 provides as follows:

Annual Emission Report

At least ninety (90) days prior to a source's deadline for filing an Annual Emissions Report, the Agency shall provide to such source the Source Inventory Report and the Inventory Edit Summary, if applicable. The Source Inventory Report shall contain all data fields for the available to the owner or operator of the source or emission unit.

25. Section 254.102(a) of the Illinois EPA Air Pollution

Regulations, 35 Ill. Adm. Code 254.102(a), provides as follows:

Applicability

- a) Subpart B of this Part applies to the owner and operator of any source required to have an operating permit in accordance with 35 Ill. Adm. Code 201 and that is permitted to emit 25 tons per year or more of any combination of regulated air pollutants. Subpart B also applies to the owner and operator of any source required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 ½ par. 39.5, as amended by P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/39.5], the State's approved permit program established pursuant to Title V of the Clean Air Act (42 U.S.C., '7401 et. seq.) (CAAPP).

26. Section 254.202 of the Illinois EPA Air Pollution

Regulations, 35 Ill. Adm. 254.202 provides as follows:

Reporting Schedule

- a) For each source subject to the applicability requirements of Section 254.102(a) of this Part, the first Annual Emissions Report filed for all regulated air pollutants pursuant to Subpart B of this Part shall be for the calendar year following the year in which the USEPA approves or conditionally approves the State's CAAPP implemented pursuant to Section 39.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 ½, par. 39.5, as amended by P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/39.5]. For example, if the USEPA approves or conditionally approves the CAAPP program in 1994, the first full Annual Emissions Report shall include emissions information for calendar year 1995 and shall be filed with the Agency by May 1, 1996. Thereafter, an Annual Emissions Report shall be filed with the Agency for each calendar year by May 1 of the subsequent year.

- b) Commencing with calendar year 1992, all sources subject to Section 254.102(a) of this Part shall file an Annual Emissions Report pursuant to Subpart D of this Part until such time as the source is required to file a full Annual Emissions Report pursuant to subsection (a) above. For example, if the first full Annual Emissions Report for a

source must be filed before calendar year 1995, the owner or operator must file an Annual Emissions Report pursuant to the requirements of Subpart D of this Part for calendar years 1992, 1993 and 1994.

27. The Respondent is an owner and operator of emission sources that emitted a regulated air pollutant in the form of VOM in excess of 25 tons per year since at least 1992. The Respondent was therefore subject to the reporting requirements of Section 254.202 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. 254.202;

28. Since at least 1992, the Respondent failed to submit annual emissions reports detailing the nature, specific sources and total annual quantities of specified air contaminant emissions to the Illinois EPA.

29. By the actions as alleged herein, the Respondent has violated Sections 201.302, 254.201 and 254.202 of 35 Ill. Adm. Code, and thereby, also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2000).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board enter a judgment in favor of Complainant and against the Respondent, PLASTIC DECORATORS, INC., on Count VI:

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

2. Finding that the Respondent has violated Section 9(a) of the Act and Sections 201.302, 254.201 and 254.202 of 35 Ill. Adm. Code;

3. Ordering the Respondent to cease and desist from further violations of Section 9(a) of the Act and Sections 201.302, 254.201 and 254.202 of 35 Ill. Adm. Code;

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

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

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

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. JAMES E. RYAN, Attorney
General of the State of Illinois

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

BY: 

ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

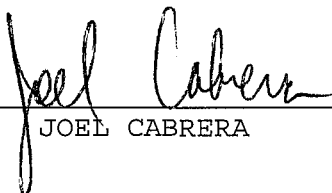
Of Counsel:

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Environmental Bureau
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Chicago, Illinois 60601
(312) 814-5282
Atty No. 99000

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CERTIFICATE OF SERVICE

I, JOEL CABRERA, an Assistant Attorney General in this case, do certify that on the 10th day of August 2000, I caused to be served, by certified mail, the foregoing Notice of Filing, and a Complaint in the U.S. Main depository located at 100 West Randolph Street, Chicago, Illinois, in an envelope with sufficient postage prepaid.



JOEL CABRERA