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AUG 13 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
COLOR COMMUNICATIONS, INC., an)
Illinois corporation,)
)
Respondent.)

PLB
No. 05-28
(Air-Enforcement)

To: Mr. Karl Karg, Attorney for Respondent
Latham & Watkins
Sears Tower, Suite 5800
233 S. Wacker Drive
Chicago, IL 60606

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, August 13, 2004, filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of our Complaint, a copy of which is attached herewith and served upon you.

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 pollution.

Respectfully submitted,

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

BY: Paula Becker Wheeler

PAULA BECKER WHEELER
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COMPLAINT

Complainant, People of the State of Illinois, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, COLOR COMMUNICATIONS, INC., an Illinois corporation, as follows:

COUNT I

FAILURE TO MAINTAIN AND OPERATE PERMANENT TOTAL ENCLOSURE AND ACHIEVE REQUIRED CONTROL EFFICIENCY ON COATING LINE #3

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") pursuant to Section 31 of the Illinois Environmental Protection Act, 415 ILCS 5/31 (2002) ("Act").

2. The Illinois EPA is an administrative agency established in the executive branch of the State government by

Section 4 of the Act, 415 ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent, Color Communications, Inc. ("Color Communications") was and is the owner and operator of two manufacturing facilities located at 4000 West Fillmore ("4000 W. Fillmore facility") and 4242 West Fillmore ("4242 W. Fillmore facility"), Chicago, Cook County, Illinois.

4. Color Communications is engaged in the manufacture of customized color display systems such as color books and cards, color selection books, and swatch cards and showroom books for the automotive, decorative fabric, furniture, paint, paper, plastic laminate, textile, wall covering, and window treatment industries.

5. Color Communications' manufacturing operations generate air emissions of volatile organic material ("VOM") from process emission sources and associated air pollution control equipment.

6. The 4000 W. Fillmore facility and the 4242 W. Fillmore facility are adjacent to one another and are considered to be a single source of air emissions for the purposes of the Clean Air Act Permit Program ("CAAPP") administered and enforced by Illinois EPA.

7. At all times relevant to this complaint, operation of the air emission sources and control equipment at the 4000 W.

Fillmore and 4242 W. Fillmore facilities was authorized pursuant to CAAPP permit 95090040 issued to Color Communications by Illinois EPA on November 1, 1999 and revised on June 25, 2001 ("CAAPP permit 95090040"). Its present expiration date is November 1, 2004.

8. Color Communications' CAAPP permit 95090040 establishes air pollutant emission limits and operational, recordkeeping, and reporting requirements for Color Communications' regulated process emission sources and control equipment.

9. Operations at the 4242 W. Fillmore facility include manufacture of latex coatings, color matching, application of latex and lacquer coatings onto paper or plastic substrates, and application of adhesives onto substrates. The substrates are formed into rolls of web that are transported to the 4000 W. Fillmore facility for further processing.

10. At all times relevant to this complaint, the 4242 W. Fillmore facility employed five coating lines and three gas-fired drying ovens to apply the latex and lacquer coatings to the paper or plastic substrates.

11. The coating lines and drying ovens at the 4242 W. Fillmore facility are regulated air emission sources, and their operation was and is subject to the terms and conditions of CAAPP permit 95090040, Section 7.1.

12. One of the five coating lines at the 4242 W. Fillmore facility, Coating Line #3, is located within an enclosure that is connected by ductwork to a catalytic oxidizer. The drying oven associated with Coating Line #3 is also connected by ductwork to the catalytic oxidizer.

13. The catalytic oxidizer is designed to reduce the amount of VOM emitted to the atmosphere from Coating Line #3 and its associated oven by combusting the VOM as it passes over a bed of catalyst.

14. The purpose of the enclosure surrounding Coating Line #3 is to capture VOM emitted during operation of the line so it can be ducted to the oxidizer and destroyed instead of being emitted to the atmosphere as fugitive emissions.

15. The ducts to the oxidizer from the Coating Line #3 enclosure and associated drying oven are equipped with bypass valves. These exhaust duct bypass valves primarily serve as safety devices.

16. During startup, malfunction, or other non-routine operation of Coating Line #3, the bypass valves are supposed to be open so that exhaust gases from the line's enclosure and associated drying oven are vented directly to the atmosphere to prevent creation of potentially explosive conditions in the oxidizer or its tributary ductwork and emission sources.

17. During routine, normal operation of Coating Line #3, the bypass valves are supposed to be closed so that the VOM-containing exhaust gases from the coating line enclosure and drying oven are vented to the oxidizer and destroyed.

18. Operations at the 4000 W. Fillmore facility include cutting of the rolls of web produced at 4242 W. Fillmore into various shapes and sizes, two flexographic printing lines, and three lithographic printing lines.

19. The flexographic printing lines at the 4000 W. Fillmore facility are regulated air emission sources and their operation was and is subject to the terms and conditions of CAAPP permit 95090040, Section 7.3.

20. 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[.]

21. Section 3.115 of the Act, 415 ILCS 5/3.115 (2002), defines air pollution as follows:

"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.

22. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), defines contaminant as follows:

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

23. Section 3.315 of the Act, 415 ILCS 5/3.315 (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.

24. Section 211.7150 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.7150, defines VOM as follows:

"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 reactions. . . .

25. Color Communications is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315(2002).

26. Color Communications' Coating Line #3 and its associated oven are sources of "VOM" as that term is defined in 35 Ill. Adm. Code 211.7150.

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

28. Section 211.4490 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.4490, defines a paper coating line as:

"Paper coating line" means a coating line in which any protective, decorative, or functional coating is applied on, saturated into, or impregnated into paper, plastic film, or metallic foil to make certain products, including but not limited to adhesive tapes and labels, book covers, post cards, office copier paper, drafting paper and pressure sensitive tapes. For purposes of 35 Ill. Adm. Code 218 and 219, a paper coating line includes saturation or impregnation.

29. Respondents' Coating Line #3 and its associated oven are a "paper coating line" as that term is defined in 35 Ill. Adm. Code 211.4490.

30. Respondent's operation of the facility is subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and the Illinois EPA. The Board's regulations for air pollution are found in Title 35, Subtitle B, Chapter I of the Illinois Administrative Code ("Board Air Pollution Regulations"), and the Illinois EPA rules and regulations for air pollution are found in Title 35, Subtitle B, Chapter II of the Illinois Administrative Code ("Illinois EPA Air Pollution Regulations").

31. Section 218.204 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.204, provides, in pertinent part, as follows:

Except as provided in Sections 218.205 [and] 218.207 . . . of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating . . . :

* * *

(c) Paper Coating	lb/gal
	2.3

* * *

32. Pursuant to 35 Ill. Adm. Code 218.204(c), because Color Communications' Coating Line #3 and associated oven are a "paper coating line," Color Communications may not apply a coating on Coating Line #3 at any time which has a VOM content in excess of 2.3 pounds of VOM per gallon, less water ("lbs VOM/gal"), except as provided in 35 Ill. Adm. Code 218.205 and 218.207. Respondent has chosen Section 218.207(b)(1) as its method of compliance with emission limitations.

33. Section 218.207(b)(1) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.207(b)(1), provides, as follows:

(b) Alternative Add-On Control Methodologies

- (1) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency, or . . .

* * *

34. Pursuant to 35 Ill. Adm. Code 218.207(b)(1), as an alternative to applying only compliant coatings on Coating Line #3 in accordance with Section 218.204(c), Respondent may operate a capture and control system at all times that Coating Line #3 is in operation.

35. To meet the requirements of 35 Ill. Adm. Code 218.207(b)(1) on Coating Line #3, Color Communications must provide a capture system and control device that reduces the VOM emitted by the coating line by at least 81% overall, and the control device must have an efficiency of at least 90% (i.e., it must destroy at least 90% of the VOM exhausted to it by the capture system).

36. On March 6th and March 8th, 2002, Illinois EPA personnel conducted inspections of Color Communications' air emission sources to determine compliance status.

37. On March 6, 2002, four large doors in the coating line enclosure providing access to the coating line equipment were propped open with stacks of paint containers.

38. Based on the accumulation of dust on the paint containers, it appeared that they had been in place propping open the doors to the Coating Line #3 enclosure for an extended period of time.

39. At the same time, a window in the Coating Line #3

enclosure had been removed, leaving a large rectangular opening in the enclosure's wall.

40. Also on March 6, 2002, an unused duct leading to the oxidizer inlet line had collapsed and become detached from the inlet line, leaving an opening in the inlet line.

41. Furthermore, on March 6, 2002, the bypass valve in the duct between the Coating Line #3 enclosure and the catalytic oxidizer was fixed in the "open" position, which caused VOM emissions to vent directly to the atmosphere without control by the oxidizer when Coating Line #3 was in operation, thereby evidencing 0% control efficiency for the PTE.

42. At the Illinois EPA's request, Color Communications' personnel started up Coating Line #3 and attempted to close the bypass valve, but they were unable to close it on March 6, 2002.

43. After discovering that the Coating Line #3 bypass valve was open and could not be closed, the Illinois EPA personnel reviewed the oxidizer's operating temperature records.

44. Throughout the day on March 6th, 2002, the oxidizer's inlet temperature remained steady between 598°F and 601°F, and its outlet temperature remained steady at 645°F.

45. The lack of operating temperature fluctuation indicated that no VOM was being combusted by the oxidizer, because when an emission source like Coating Line #3 is properly controlled by a catalytic oxidizer, the inlet and outlet temperatures will

fluctuate as the coating line is started and stopped and as the concentration of VOM varies in the exhaust gases entering the oxidizer from the coating line enclosure, again evidencing no reduction in the VOM and little to no efficiency from the control device.

46. Color Communications was able to repair the Coating Line #3 bypass valve on March 7th, 2002, and Illinois EPA personnel returned to the plant on the following day, March 8th, 2002.

47. On March 8th, 2002, the oxidizer's operating temperature records showed that, after Color Communications repaired the bypass valve, the oxidizer's inlet temperature varied between 600°F and 625°F and its outlet temperature varied between 690°F and 735°F.

48. The wider fluctuation of the oxidizer's inlet and outlet temperatures and the higher maximum inlet and outlet temperatures observed after the bypass valve was repaired on March 7, 2002 indicated that the Coating Line #3 enclosure was now venting to the oxidizer, and as a result the VOM contained in the exhaust gases was being combusted by the oxidizer rather than being bypassed to the atmosphere without control.

49. On March 8th, 2002, Illinois EPA personnel reviewed the oxidizer temperature records going back to 1994.

50. Based on the March 8, 2002 review, the oxidizer operating temperature records for the period, 1994 through July 1996 documented temperature fluctuations and temperature ranges indicative of proper operation of the bypass valves and the oxidizer, resulting in the proper combustion of the VOM emissions from the Coating Line #3 enclosure and associated oven in the oxidizer.

51. On March 8, 2002, the oxidizer temperature records for the period December 1996 through March 7, 2002, the date Color Communications repaired the bypass valve, documented a lack of temperature fluctuation and relatively low temperature ranges, indicating that VOM emissions from the Coating Line #3 enclosure was being bypassed directly to the atmosphere instead of being combusted in the oxidizer. The records from August of 1996 through November of 1996 were unavailable.

52. On March 8, 2002, the oxidizer operating temperature records for the period December 1996 through March 7, 2002, indicated that the oxidizer was not being properly operated and was not controlling the VOM emissions from Coating Line #3.

53. The initial compliance demonstration establishing that Coating Line #3 was provided with a permanent total enclosure ("PTE") was made with: the four large doors to the enclosure closed; a window in place in the enclosure window opening; both

exhaust duct bypass valves closed; and no holes in the oxidizer inlet line due to a collapsed duct.

54. However, during the Illinois EPA inspection conducted on March 6, 2002, the inspector observed that the four large doors to the enclosure were propped open with cans of paint; the window had been removed, leaving an uncovered opening in the enclosure; the one bypass valve was stuck in the open position; and there was a hole in the oxidizer inlet line due to a collapsed duct.

55. Color Communications' failure to maintain the Coating Line #3 PTE in the condition it was in at the time of the initial compliance test resulted in the enclosure no longer being either "permanent" or "total", and negated the enclosure's effectiveness in capturing the VOM emitted from Coating Line #3 so it could be ducted to and destroyed by the oxidizer.

56. From December of 1996 or a date better known to the Respondent, until March 7, 2002, Color Communications failed to maintain Coating Line #3 so that the capture and control device reduced VOM emissions by 81% and achieved a 90% efficiency condition, in violation of Section 218.207(b)(1) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.207(b)(1),

57. By violating Sections 218.207(b)(1), 35 Ill. Adm. Code 218.207(b)(1), Color Communications also violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, COLOR COMMUNICATIONS INC., on this 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 Section 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 218.207(b) (1) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.207(b) (1);

3. Ordering Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 218.207(b) (1) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.207(b) (1);

4. Assessing a civil penalty of \$50,000.00 against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of \$10,000.00 per day for each day that the violations continued;

5. Taxing all costs in this action, including expert witness, consultant and attorneys fees, against Respondent; and

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

COUNT II

FAILURE TO REPORT NONCOMPLIANCE ON COATING LINE #3

1 - 56. Complainant realleges and incorporates herein by reference paragraphs 1 through 56 of Count I as paragraphs 1 through 56 of this Count II.

57. Section 218.211(e) (3) (A) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.211(e) (3) (A), provides as follows:

- (e) Any owner or operator of a coating line subject to the limitations of Section 218.207 of this Subpart...shall comply with the following:

* * *

- (3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- (A) Any record showing violation of Section 218.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

58. Color Communications failed to notify Illinois EPA of any violations of the control requirements of Section 218.207(b) (1) within 30 days following the occurrence of such violation, thereby violating 218.211(e) (3) (A) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.211(e) (3) (A).

59. By violating Section 218.211(e) (3) (A), Respondent also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, COLOR COMMUNICATIONS INC., on this Count II:

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 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 218.211(e) (3) (A) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.211(e) (3) (A);

3. Ordering Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 218.211(e) (3) (A) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.211(e) (3) (A);

4. Assessing a civil penalty of \$50,000.00 against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of \$10,000.00 per day for each day that the violations continued;

5. Taxing all costs in this action, including expert witness, consultant and attorneys fees, against Respondent; and

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

COUNT III

FAILURE TO PROVIDE AN ERMS ACCOUNT OFFICER AND CERTIFY ERMS
SUBMITTALS

1 - 30. Complainant realleges and incorporates herein by reference paragraphs 1 through 30, of Count I as paragraphs 1 through 30 of this Count III.

31. Section 205.110 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 205.110, provides as follows:

Section 205.110 Purpose

The purpose of this Part is to implement the Emissions Reduction Market System (ERMS) regulatory program consistent with the assurances that are specified in Section 9.8 of the Environmental Protection Act [415 ILCS 5/9.8]. The ERMS is designed, as further specified in this Part, to achieve the following:

- (a) Implement innovative and cost-effective strategies to attain the national ambient air quality standard (NAAQS) for ozone and to meet the requirements of the Clean Air Act;
- (b) Increase flexibility for participating sources and lessen the economic impacts associated with implementation of the Clean Air Act;
- (c) Take into account the findings of the national ozone transport assessment coordinated by the Environmental Council of States with participation by the United States Environmental Protection Agency and by the Lake Michigan Air Directors Consortium; and
- (d) Assure that sources subject to the ERMS regulatory program will not be required to reduce emissions to an extent that exceeds their proportionate share of the total

emissions reductions required of all emission sources, including mobile and area sources.

32. Section 205.130 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 205.130, provides, in pertinent part, as follows:

Section 205.130 Definitions

Unless otherwise specified within this Part, the definitions for the terms used in this Part shall be the same as those found in Section 39.5 of the Act [415 ILCS 5/39.5] and in 35 Ill. Adm. Code 211.

"Account officer" means a natural person who has been approved by the Agency, as specified in Section 205.620 of this Part, and is subsequently responsible for one or more Transaction Accounts to which he or she is designated.

* * *

"Allotment Trading Unit (ATU)" means a tradable unit that represents 200 lbs of VOM emissions and is a limited authorization to emit 200 lbs of VOM emissions during the seasonal allotment period.

* * *

"Baseline emissions" means a participating source's VOM emissions for the seasonal allotment period based on historical operations as determined under Subpart C of this Part. Baseline emissions shall be the basis of the allotment for each participating source.

* * *

"Chicago ozone nonattainment area" means the area composed of Cook, DuPage, Kane, Lake, McHenry, and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County.

* * *

"Participating source" means a source operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999.

* * *

"Transaction Account" means an account authorized by the Agency or its designee that allows an account officer to buy or sell ATUs.

33. Section 205.620(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 205.620, provides as follows:

Section 205.620 Account Officer

- (a) Each participating source, new participating source or general participant must have at least one account officer designated for each of its Transaction Accounts. The account officer(s) shall be the only person(s) authorized to make ATU transactions involving such designated Transaction Account. At least one account officer must certify each official document that pertains to a designated Transaction Account or associated market transactions. Account officers may be employees or contractors of participating sources, new participating sources or general participants. No participating source, new participating source or general participant may engage in ATU transactions if it does not have an account officer approved by the Agency. Each account officer shall satisfy all of the following:
- (1) Be at least 18 years of age;
 - (2) Be an American citizen or a legal alien;
 - (3) Have not been convicted of or had a final judgment entered against him or her in any State or federal court for a violation of State or federal air

pollution laws or regulations, or for fraud;

- (4) Be scheduled to attend the next scheduled training program or has already completed the program; and
- (5) Certify to the following statement as a part of the relevant Transaction Account application:

I certify that I satisfy all of the requirements for an account officer. I am aware that I may be disqualified from acting as an account officer in the State of Illinois, pursuant to 35 Ill. Adm. Code 205, if any information submitted in this application is determined to be false or misleading.

34. Pursuant to Section 205.110, the purpose of the Emissions Reduction Market System ("ERMS") is to provide a means by which regulated sources can meet applicable emission limitations through a market-based trading system, thus ensuring that these emission limitations are applied in as flexible and economically rational a manner as possible.

35. Respondent's facilities at 4000 W. Fillmore and 4242 W. Fillmore are located within Cook County, Illinois, so they are also located within the "Chicago ozone nonattainment area" as that term is defined in Section 205.130 of 35 Ill. Adm. Code.

36. The Respondent is a "participating source" as this term is defined in Section 205.130 of 35 Ill. Adm. Code.

37. Because Color Communications is a participating source, it is subject to the ERMS program requirements, and as stated in

Section 205.620(a), 35 Ill. Adm. Code 205.620(a), it is required to designate an "account officer" as this term is defined in Section 205.130 of 35 Ill. Adm. Code.

38. On February 27, 2002, Illinois EPA personnel conducted a review of compliance records related to Respondent's compliance with the requirements of the ERMS program.

39. From at least 2001, or a time better known to the Respondent, until at least March of 2002, Respondent did not have a designated account officer who met the requirements of Section 205.620(a), 35 Ill. Adm. Code 205.620(a).

40. Furthermore, Respondent's 2001 ERMS submittals were not certified by a properly trained, Illinois EPA approved account officer as required by Section 205.620(a), 35 Ill. Adm. Code 205.620(a).

41. Respondent's failure to provide a properly trained, Illinois EPA approved account officer and to properly certify its 2001 ERMS submittal violated Section 205.620(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 205.620(a).

42. By violating Section 205.620(a), Color Communications also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, COLOR COMMUNICATIONS INC., on this 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 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 205.620(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 205.620(a);

3. Ordering Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 205.620(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 205.620(a);

4. Assessing a civil penalty of \$50,000.00 against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of \$10,000.00 per day for each day that the violations continued;

5. Taxing all costs in this action, including expert witness, consultant and attorneys fees, against Respondent; and

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

COUNT IV

VIOLATIONS OF THE CAAPP PERMIT RELATING TO THE FLEXOGRAPHIC PRINTING LINES

1 - 26. Complainant realleges and incorporates herein by reference paragraphs 1 through 19, and paragraphs 20 through 27 of Count I as paragraphs 1 through 26 of this Count IV.

27. Section 39.5(6) (a) of the Act, 415 ILCS 5/39.5(6) (a) (2002), 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. . .

28. Condition 7.3.6 of CAAPP permit 95090040 issued to Color Communications effective November 1, 1999 and revised effective June 25, 2001, provides as follows:

7.3.6 Emission Limitations

Total combined emissions and operation of the flexographic printing lines #4 and #5 shall not exceed the following limits:

<u>Material</u>	Usage		VOM	VOM	
	(gal/mo)	(gal/yr)	Content (lb/gal)	Emissions (lb/mo)	(T/yr)
Inks	50	300	2.25	112.5	0.34
Cleanup Solutions					
(Partial VOM)	50	300	0.68	40.0	0.12
Cleanup Solvents	50	300	7.61	380.8	1.14
				Total:	1.60

The above limitations were established in Construction Permit 97120039, pursuant to 35 IAC Part 203. These limits ensure that the construction and/or modification addressed in the aforementioned Construction Permit does not constitute a new major source or major modification pursuant to Title I of the C[lean]A[ir]A[ct], specifically 35 IAC Part 203 [T1]. Compliance with annual limits shall be determined from a running total of 12 months of data.

29. On February 27, 2002, Illinois EPA personnel conducted a review of compliance records related to Color Communications' flexographic printing lines located at 4000 W. Fillmore.

30. The compliance records showed that most of the inks used by Color Communications on the flexographic printing lines have had a VOM content in excess of 2.25 lbs VOM/gal.

31. By using inks with a VOM content in excess of 2.25 lbs VOM/gal on the flexographic lines, Respondent violated Condition 7.3.6 of CAAPP permit 95090040, which establishes 2.25 lb VOM/gal as the maximum permissible VOM content for inks used on these lines.

32. Condition 7.3.10(b) of CAAPP permit 95090040 issued to Color Communications, effective November 1, 1999 and revised effective June 25, 2001, provides as follows:

7.3.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of noncompliance with applicable requirements as follows pursuant to Section 39.5(7)(f)(ii) of the Act:

* * *

- b. The Permittee shall notify the Illinois EPA in writing if the production and or emission limitations contained in Condition 7.3.6 are exceeded, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.

33. Respondent did not report at any time to the Illinois EPA the use of inks with a VOM content in excess of 2.25 lbs VOM/gal on the flexographic lines.

34. By failing to report the use of these noncompliant inks to the Illinois EPA, Respondent violated Condition 7.3.10(b) of CAAPP permit 95090040.

35. By violating Conditions 7.3.6 and 7.3.10(b) of CAAPP permit 95090040, Respondent also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a)(2002), which prohibits operation of a CAAPP source in violation of any terms or conditions of a CAAPP permit:

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, COLOR COMMUNICATIONS INC., on this 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 violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a)(2002) and Conditions 7.3.6 and 7.3.10(b) of CAAPP permit 95090040 issued to Color Communications, effective November 1, 1999, and revised, effective June 25, 2001;

3. Ordering Respondent to cease and desist from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a)(2002) and Conditions 7.3.6 and 7.3.10(b) of CAAPP

permit 95090040 issued to Color Communications, effective November 1, 1999, and revised, effective June 25, 2001;

4. Assessing a civil penalty of \$50,000.00 against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of \$10,000.00 per day for each day that the violations continued;

5. Taxing all costs in this action, including expert witness, consultant and attorneys fees, against Respondent; and

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

COUNT V

VIOLATIONS OF THE CAAPP PERMIT RELATING TO COATING LINE #3, REPORTING, AND THE ERMS ACCOUNT OFFICER

1 - 65. Complainant realleges and incorporates herein by reference paragraphs 1 through 56 of Count I, paragraph 58 of Count II, paragraphs 32, 33, 39, and 40 of Count III, and paragraphs 27 through 30 of Count IV as paragraphs 1 through 65 of this Count V.

66. Condition 7.1.3(c) of CAAPP permit 95090040 issued to Color Communications effective November 1, 1999, and revised, effective June 25, 2001, provides, as follows:

7.1.3 Applicability Provisions and Applicable Regulations

* * *

- c. Affected coating lines Nos. 2 and 3 are subject to 35 IAC 218.207(b)(1), which requires that the coating line be equipped with a capture system and control device that provides 81% reduction in the overall emissions of VOM and the control device is at least 90% efficient.

67. Conditions 7.1.5(b), (c) and (e) of CAAPP permit 95090040 provide as follows:

7.1.5 Operational and Production Limits and Work Practices

* * *

- b. The permanent total enclosure and afterburner control system shall be operated in a manner consistent to [sic] good air pollution control practices and operating requirements established in 35 IAC 218, Appendix B, Procedure T "Criteria for and Verification of a Permanent or Temporary Total Enclosure".
- c. The Permittee shall, in accordance with manufacturer(s) and/or vendor(s) recommendations, perform periodic maintenance of the catalytic oxidizer such that [sic] oxidizer be kept in proper working condition and not cause violation of the Environmental Protection Act or regulations promulgated therein.

* * *

- e. This permit is issued based on the affective coating lines #2 and #3 with an afterburner not being allowed to operate during malfunction or breakdown of an afterburner because the Permittee did not submit the proof to the Illinois EPA that such

continued operation is necessary to prevent injury to persons or severe damage to equipment, or that such continued operation is required to provide essential services, pursuant to 35 IAC 201.262.

68. Condition 7.1.6(f) of CAAPP permit 95090040 provides as follows:

7.1.6 Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5.1, the affected coating lines are subject to the following:

* * *

f. Emissions and operation of Coating Line #3 shall not exceed the following limits:

Lacquer Coating		Average VOM	VOM Emissions	
(gal/mo)	(gal/yr)	Content	(T/mo)	(T/yr)
<u>(gal/mo) (gal/yr)</u>		<u>(lbs VOM per gal)</u>	<u>(T/mo)</u>	<u>(T/yr)</u>
25,000	161,180	4.82	0.6	3.9
Latex Coating				
<u>(gal/mo) (gal/yr)</u>				
Less Water				
30,000	40,200	1.99 (Less Water)	0.30	0.4
With Water				
95,240	127,620			
Totals:			0.90	4.3

The above limitations were established in Construction Permit 00080079, pursuant to 35 IAC Part 203. The above limitations are being established in this permit pursuant to

Title I of the C[lean]A[ir]A[ct], specifically 35 IAC Part 203, Major Stationary Sources Construction and Modification. These limits ensure that the construction and/or modification addressed in the aforementioned Construction Permit does not constitute a new major source or major modification pursuant to Title I of the CAA, specifically 35 IAC Part 203 [T1].

69. Respondent operated the Coating Line #3 enclosure with the four large doors to the enclosure propped open with cans of paint; with the window removed, leaving an uncovered opening in the enclosure; with the bypass valve stuck in the open position; and/or with a hole in the oxidizer inlet line due to a collapsed duct, all of which negated the enclosure's required effectiveness in capturing the VOM emitted from Coating Line #3. The records of the Respondent indicated that these conditions had existed for at least the months of February and early March of 2002, and possibly occurring and continuing from as early as 1996.

70. Respondent's operation of its facility under such conditions violated its CAAPP permit 95090040, Condition 7.1.3(c), which requires compliance with 35 Ill. Adm. Code 218.207(b) (1) and Conditions 7.1.5(b), (c) and (e), which require that the PTE be operated in a manner consistent with good air pollution control practices and the operational requirements established in 35 Ill. Adm. Code 218, Appendix B, Procedure T,

that periodic maintenance be performed and that coating line #3 should not be used during equipment breakdowns.

71. In February and March of 2002, and possibly from as early as 1996, by operating Coating Line #3 with the PTE compromised and, in particular, with the enclosure exhaust duct bypass valve in the open, bypassing position, Respondent exceeded its monthly VOM emission limits of 0.6 tons VOM per month for lacquer coatings and 0.90 tons VOM per month overall.

72. By exceeding its VOM per month for lacquer coatings and its VOM per month overall, Respondent violated Condition 7.1.6(f) of CAAPP permit 95090040.

73. Condition 7.1.10(a) of CAAPP permit 95090040 provides as follows:

7.1.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of noncompliance with applicable requirements as follows pursuant to Section 39.5(7)(f)(ii) of the Act:

Pursuant to 35 IAC 218.211(e)(3), the Permittee shall notify the Illinois EPA in the following instances:

- a. Any record showing violation of 35 IAC 218.207 and Condition 7.1.3(b) within 30 days of such an occurrence; and . . .

* * *

74. Respondent failed to notify the Illinois EPA of the records showing violations of 35 Ill. Adm. Code 218.207 and Condition 7.1.3(b) within 30 days of such an occurrence.

75. By failing to make such notifications, Respondent violated Section 7.1.10(a) of CAAPP permit 95090040.

76. Condition 8.6.1 of CAAPP permit 95090040 provides as follows:

8.6.1 Monitoring Reports

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 such reports shall be certified in accordance with Condition 9.9.

77. Condition 9.8 of CAAPP permit 95090040 provides as follows:

9.8 Requirements for Compliance Certification

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 the 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.

- b. All compliance certifications must be submitted to USEPA region 5 in Chicago as well as to the Illinois EPA.
- c. All compliance reports required to be submitted shall include a certification in accordance with Condition 9.9.

78. Color Communications failed to timely submit semi-annual monitoring reports for the following reporting periods:

July - December	1999
January - June	2000
July - December	2000
January - June	2001
July - December	2001.

79. Color Communications failed to submit annual compliance certifications for the reporting years 1999, 2000, and 2001 identifying the noncompliance occurring with respect to Coating Line #3, and the flexographic printing lines.

80. By failing to submit its semi-annual monitoring reports, and complete and accurate annual compliance certifications, Respondent violated Conditions 8.6.1 and 9.8 of CAAPP permit 9500040.

81. Condition 6.4 of CAAPP permit 95090040 issued to Color Communications effective November 1, 1999 and revised effective June 25, 2001 provides as follows:

6.4 Market Transaction

- c. The source shall have at least one account officer designated for its Transaction Account, pursuant to 35 IAC 205.620(a).

82. From at least 2001, or a time better known to the Respondent, until at least March of 2002, Respondent did not have a designated account officer who met the requirements of Section 205.620(a), 35 Ill. Adm. Code 205.620(a), pursuant to its CAAPP permit Condition 6.4(c).

83. By failing to designate at least one account officer for its Transaction Account, Respondent violated Condition 6.4(c) of CAAPP permit 95090040.

84. By violating Conditions 7.1.3(c), 7.1.5(b), (c), (e), 7.1.6(f), 7.1.10(a), 8.6.1, 9.8 and 6.4(c) of CAAPP permit 95090040, Respondent also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2002), which prohibits operation of a CAAPP source in violation of any terms or conditions of a CAAPP permit.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, COLOR COMMUNICATIONS INC., on this 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 Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2002), and Conditions 7.1.3(c),

7.1.5(b), (c), (e), 7.1.6(f), 7.1.10(a), 8.6.1, 9.8 and 6.4(c) of CAAPP permit 95090040 issued to Color Communications, effective November 1, 1999, and revised, effective June 25, 2001;

3. Ordering Respondent to cease and desist from any further violations of Section 39.5(6) (a) of the Act, 415 ILCS 5/39.5(6) (a) (2002), and Conditions 7.1.3(c), 7.1.5(b), (c), (e), 7.1.6(f), 7.1.10(a), 8.6.1, 9.8 and 6.4(c) of CAAPP permit 95090040;

4. Assessing a civil penalty of \$50,000.00 against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of \$10,000.00 per day for each day that the violations continued;

5. Taxing all costs in this action, including expert witness, consultant and attorneys fees, against Respondent; and

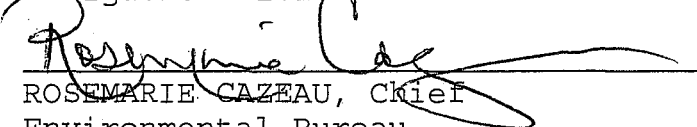
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

By:

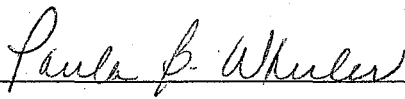

ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

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Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Floor
Chicago, IL 60601
(312) 814-1511

CERTIFICATE OF SERVICE

I, PAULA BECKER WHEELER, an attorney, do certify that I caused to be served this 13th day of August, 2004, the foregoing Complaint and Notice of Filing upon the person listed on said Notice, by Certified Mail.

A handwritten signature in cursive script, reading "Paula B. Wheeler", is written over a horizontal line.

PAULA BECKER WHEELER