

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 18 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney)
General of the State of Illinois)
Complainant,)
v.)
GTC, INTERNATIONAL,)
an Illinois corporation,)
Respondent.)

No. PCB 05-32

NOTICE OF FILING

TO: See Attached Service List

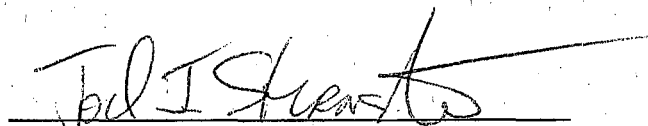
PLEASE TAKE NOTICE that on August 19, 2004, the People of the State of Illinois filed with the Illinois Pollution Control Board a Complaint, true and correct copies of which are attached and hereby served upon you.

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.

Respectfully submitted,

LISA MADIGAN
Attorney General
State of Illinois

BY:



JOEL J. STERNSTEIN
Assistant Attorney General
Environmental Bureau
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
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PEOPLE OF THE STATE OF ILLINOIS,)
 by LISA MADIGAN, Attorney)
 General of the State of Illinois)
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 Complainant,)
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 v.)
)
 GTC, INTERNATIONAL,)
 an Illinois corporation,)
)
 Respondent.)

No. PCB 05-32

COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, GTC, INTERNATIONAL, as follows:

COUNT I

CONSTRUCTION OF AN EMISSION SOURCE WITHOUT A PERMIT

1. This Complaint is brought on behalf of the People ("Complainant") by the Attorney General on her 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(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. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31(2002).

3. At all times relevant to this Complaint, GTC, INTERNATIONAL ("Respondent") was and is an Illinois corporation duly organized and existing under the laws of the State of Illinois and is in good standing.

4. At all times relevant to this Complaint, Respondent has operated a facility located at 6401 West 65th Street, Bedford Park, Cook County, Illinois, 60638 ("facility").

5. Respondent manufactures various mirrors at its facility.

6. As part of its operations at the facility, Respondent first rubs a glass surface with cerium oxide and then washes it with ionized water. The glass surface is then sprayed with hydrochloric acid and tin. It is then sprayed with silver nitrate and ammonia to make it a mirror. Next, a copper sulphate coating is applied. Finally, a solvent based backing paint is applied as a final protective coating.

7. The facility emits volatile organic material ("VOM") into the environment from an electric oven used to dry the coated glass surfaces.

8. Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), 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.

9. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), provides the following definition:

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

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

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), 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.

12. Respondent is a "person" as the term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

13. Section 201.102 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.102, contains the following 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.

14. VOM is a "specified air contaminant" as that term is defined at 35 Ill. Adm. Code 201.102.

15. The electric oven located at the facility was installed and/or constructed in 1997 or 1998 or a date better known to Respondent, and is a "new emission source" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

16. Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides in pertinent part as follows:

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 or Section 201.170(b) of this Part.

17. Since 1997 or 1998 or an earlier date better known to Respondent, Respondent has operated the electric oven at its facility without first having obtained an Illinois EPA construction permit in violation of Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

18. Respondent, by its conduct as alleged herein, violated Section 201.142, of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142 and thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, 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 Respondent has violated Sections 9(b) of the Act, 415 ILCS 5/9(b) (2002), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
3. Ordering Respondent to cease and desist from further violations of Sections 9(b) of the Act, 415 ILCS 5/9(b) (2002), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
4. Assessing against 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 Respondent; and

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

COUNT II

FAILURE TO TIMELY SUBMIT CAAPP APPLICATION

1-12. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 of Count I as paragraphs 1 through 12 of this Count II.

13. Section 39.5 of the Act, 415 ILCS 5/39.5 (2002), provides the following definitions:

"CAAPP" means the Clean Air Act Permit Program developed pursuant to Title V of the Clean Air Act.

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

"Source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping.

"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

"Regulated Air Pollutant" means the following:

1. Nitrogen oxides (NOx) or any volatile organic compound. . . .

14. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2002), provides in pertinent part, as follows:

2. Applicability

a. Sources subject to this Section shall include:

1. Any major source as defined in paragraph c) of this subsection.

* * * *

c. For purposes of this Section the term "major source" means any source that is:

* * * *

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or . . . to emit 25 tons or more per year in areas classified as severe. . .

15. Respondent operates a facility that emits a regulated pollutant. Therefore, Respondents' facility is a "stationary source" as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002).

16. Respondent operates a stationary source and is an "owner or operator" as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002).

17. Respondent's facility is located within the Chicago

severe non-attainment area for ozone.

18. Respondent's facility has emitted greater than 25 tons of VOM per year since the facility was constructed in Bedford Park.

19. Respondent's facility is a "major stationary source" as that term is defined in Section 39.5(2)(c)(iii)(A) of the Act, 415 ILCS 5/39.5(2)(c)(iii)(A) (2002).

20. Therefore, Respondent triggers the New Source Review (NSR) requirements, and is subject to Clean Air Act Permit Program, set forth in Section 39.5 of the Act, 415 ILCS 5/39.5 et seq. (2002).

21. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2002), provides as follows:

6. Prohibition

- b. After the applicable CAAPP permit or renewal application submittal date, as specified in Subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

22. Section 39.5(5)(x) of the Act, 415 ILCS 5/39.5(5)(x) (2002), provides as follows:

5. Applications and Completeness

- x. The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with this subsection within 12 months after commencing operation of such source.

The owner or operator of an existing source that has been excluded from the provisions of this Section under subsection 1.1 or subsection 3(c) of this Section and that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP application consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

23. Respondent was required to submit a CAAPP Application within one year of commencement of operation. Respondent commenced operations at the facility in 1997 or 1998, the exact dates better known to Respondent; and therefore, Respondent should have applied for a CAAPP permit in 1999 at the latest.

24. From 1997 or 1998 or an earlier date, the exact dates better known to Respondent, until September 12, 2003, Respondent operated the electric oven at its facility without having submitted a CAAPP Application and without receiving a CAAPP permit.

25. Respondent temporarily resolved the issue when it was issued lifetime operating permit no. 9930044 for the facility in April 28, 1999. However, respondent had actual VOM emissions greater than 25 tons in at least 2000 and 2001 and was therefore still required to submit a CAAPP application.

26. From 1997 or 1998 or an earlier date, until September 12, 2003, excluding the period covered by the lifetime operating permit, Respondent operated a CAAPP source without submitting a

CAAPP permit application and without obtaining a CAAPP permit, pursuant to Section 39.5(6) (b) of the Act, 415 ILCS 5/39.5(6) (b) (2002).

27. Respondent, by its conduct as alleged herein, violated Sections 39.5(5) (x) and 39.5(6) (b) of the Act, 415 ILCS 5/39.5(5) (x) and 5/39.5(6) (b) (2002), and has thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(b), 39.5(5) (x), and 39.5(6) (b) of the Act;
3. Ordering the Respondent to cease and desist from further violations of Section 9(b), 39.5(5) (x), and 39.5(6) (b) of the Act;
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 Respondent; and

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

COUNT III

FAILURE TO DEMONSTRATE COMPLIANCE WITH NSR REQUIREMENTS

1 - 19. Complainant realleges and incorporates by reference herein paragraphs 1 through 7 and 9 through 12 of Count I and paragraphs 13 through 20 of Count II as paragraphs 1 through 19 of this Count III.

20. Section 9(a) of the Act, 415 ILCS 5/(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 203.126 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.126, defines LAER as an acronym for the "lowest achievable emission rate."

22. Section 203.301(b) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.301(b), provides as follows:

- b) The owner or operator of a new major stationary source shall demonstrate that the control equipment and process measures

applied to the source will produce LAER.

23. Respondent constructed a new major stationary source in 1997 or 1998 or an earlier date better known to Respondent, in a severe nonattainment area without demonstrating to the Illinois EPA that its process measures and emission limits constitute LAER.

24. Since 1997 or 1998, or an earlier date better known to Respondent, Respondent has operated its facility without having demonstrated compliance with LAER requirements. Respondent has therefore been operating in violation of Section 203.301(b) the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.301(b) and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

25. Section 203.301(d) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.301(d), provides as follows:

- d) The owner or operator shall provide a detailed showing that the proposed emission limitations constitute LAER. Such demonstration shall include:
 - 1) A description of the manner in which the proposed emission limitation was selected, including a detailed listing of information resources,
 - 2) Alternative emission limitations, and
 - 3) Such other reasonable information as the Agency may request as necessary to determine whether the proposed emission limitation is LAER.

26. Since 1997 or 1998, or an earlier date better known to Respondent, Respondent has operated its facility without

having made a detailed showing that its emission limitations constitute LAER. Respondent has therefore been operating in violation of Section 203.301(d) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.301(d), and has thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

27. Section 203.302(a)(1)(D) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.302(a)(1)(D), provides as follows:

- 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 nonattainment areas the ratio of total emissions 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

28. Section 203.121 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.121, provides the following definition:

"Emission offset" means a creditable reduction used to compensate for the increase in emissions resulting from a new major source or a major

modification in accordance with Sections 203.302 and 203.303 of this Part.

29. Respondent failed to provide emission offsets in the required ratio of 1.3 to 1.

30. By failing to acquire the required ratio of emission offsets, Respondent operated its facility in violation of Section 203.302(a)(1)(D) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.302(a)(1)(D), and has thereby 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 a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count III:

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

2. Finding that Respondent has violated Sections 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Sections 203.301(b), (d), and 203.302(a)(1)(D) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.301(b), (d), and 203.302(a)(1)(D);

3. Ordering Respondent to cease and desist from further violations of Sections 9(a), 415 ILCS 5/9(a) (2002), and Sections 203.301(b), (d), and 203.301(a)(1)(D) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.301(b), (d), and 203.302(a)(1)(D);

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 Respondent; and

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

COUNT IV

VIOLATION OF NSR REQUIREMENTS

1 - 27. Complainant realleges and incorporates by reference herein paragraphs 1 through 27 of Count III as paragraphs 1 through 27 of this Count IV.

28. Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201, provides in pertinent part as follows:

In any nonattainment 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 nonattainment area, except as in compliance with this Part for that pollutant. In areas designated nonattainment for ozone, this prohibition shall apply to new major stationary sources or major modifications of sources that emit volatile organic materials or nitrogen oxides.

29. Respondent, by its conduct as alleged herein,

was subject to the requirements of Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201.

30. As a result of Respondent's failure to secure the required construction permit and demonstrate compliance with NSR, Respondent has violated the requirements of Section 203.201 of the Board Air Pollution Control Regulations, 35 Ill. Adm. Code 203.301, and thereby 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 a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count IV:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201;
3. Ordering Respondent to cease and desist from further violations of Sections 9(a), 415 ILCS 5/9(a) (2002), and Section 203.201, of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201;
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 Respondent; and

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

COUNT V

CONSTRUCTION OF A NEW MAJOR SOURCE WITHOUT A PERMIT

1 - 20. Complainant realleges and incorporates by reference herein paragraphs 1 through 20 of Count III as paragraphs 1 through 20 of this Count IV.

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

A construction permit is required prior to actual construction of a new major source or major modification

22. Respondent's facility, a new major stationary source, was required to obtain a construction permit prior to the actual construction of the facility per the requirements of Section 203.203(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.203(a).

23. Respondent constructed the electric oven at its facility, a new emission source, at the facility in Bedford Park in 1997 or 1998 or an earlier date better known to Respondent,

without obtaining the requisite construction permit.

24. Respondent, by its conduct as alleged herein, violated Section 203.203(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.203(a), and thereby 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 a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count V:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 203.203(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.203(a);
3. Ordering Respondent to cease and desist from further violations of Sections 9(a), 415 ILCS 5/9(a) (2002) and Section 203.203(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.203(a);
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 Respondent; and

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

COUNT VI

FAILURE TO TIMELY SUBMIT AN EMISSIONS REDUCTION MARKET SYSTEM (ERMS) APPLICATION

1 - 20. Complainant realleges and incorporates by reference herein paragraphs 1 through 20 of Count III as paragraphs 1 through 20 of this Count VI.

21. Section 9.8(b) of the Act, 415 ILCS 5/9.8(b) (2002), provides as follows:

- b) The Agency shall design an emissions market system that will assist the State in meeting applicable post-1996 provisions under the CAA of 1990, provide maximum flexibility for designated sources that reduce emissions, and that take into account the findings of the national ozone transport assessment, existing air quality conditions, and resultant emissions levels necessary to achieve or maintain attainment.

22. Section 205.310 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310, provides in pertinent part as follows:

- a) The owner or operator of each participating source or new participating source shall submit to the Agency an ERMS application in accordance with the following schedule:

* * *

- 2) For any source that first becomes a participating source because its VOM emissions increase to 10 tons or greater

during any seasonal allotment period beginning with 1999, on or before December 1 of the year of the first seasonal allotment period in which its VOM emissions are at least 10 tons, provided that this emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203

23. Section 39.5 of the Act, 415 ILCS 5/39.5 (2002), provides the following definitions:

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

24. Section 205.210 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.210, provides as follows:

The requirements of this Part shall apply to any new participating source, a source not operating prior to May 1, 1999, located in the Chicago ozone non-attainment area, that is required to obtain a CAAPP permit and has or will have seasonal emissions of at least 10 tons of VOM. Each new participating source shall hold ATUs, as specified in Section 205.150(d) of this Part, upon commencing operation.

25. Respondent has owned and operated a new participating source, as those terms are defined by 415 ILCS 5/39.5 (2002) and 35 Ill. Adm Code 205.210, in an ozone nonattainment area, and Respondent's new participating source had seasonal VOM emissions of at least 10 tons of VOM in the 2000 season.

26. Pursuant to the requirements of Section 205.310 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310, Respondent was required to submit its ERMS baseline application by the December 1, 2000.

27. Respondent did not submit its ERMS baseline application by December 1, 2000.

28. From December 1, 2000 through 2002, Respondent operated a new participating source without having submitted an ERMS Application.

29. Respondent, by its conduct as alleged herein, violated Section 205.310 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310, and thereby 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 a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count VI:

1. Authorizing a hearing in this matter at which time 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 205.310 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310;
3. Ordering Respondent to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 205.310 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310;
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 Respondent; and

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

COUNT VII

USE OF NON-COMPLIANT COATINGS - PERMIT VIOLATION

1-12. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 of Count I as paragraphs 1 through 12 of this Count VII.

13. Condition 2 of Respondent's Operating Permit No. 99030044 provides, in pertinent part, as follows:

2. Emissions and operation of glass coating line shall not exceed the following limits:

Coating Usage		VOM Content	VOM Emission	
(Ton/Mo)	(Ton/Yr)	(Wt. %)	(Ton/Mo)	(Ton/yr)
4.0	37.5	15	0.6	5.6

14. From 1999 through the present, Respondent has used coatings with a VOM content above 15% by weight, in violation of its permit limitation.

15. From 1999 through the present, Respondent has operated the glass coating line in violation of Condition 2 of its Operating Permit, No. 99030044.

16. Respondent, by its conduct as alleged herein, has violated Condition 2 of Operating Permit No. 99030044, and thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count VII:

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

2. Finding that Respondent has violated Sections 9(b) of the Act, 415 ILCS 5/9(b) (2002), and Condition 2 of Operating Permit No. 99030044;

3. Ordering Respondent to cease and desist from further violations of Sections 9(b), 415 ILCS 5/9(b) (2002), and Condition 2 of Operating Permit No. 99030044;

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 Respondent; and

6. Granting such other relief as the Board deems

appropriate and just.

COUNT VIII

USE OF NON-COMPLIANT COATINGS - REGULATORY VIOLATION

1-13. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 of Count I and paragraph 20 of Count III as paragraphs 1 through 13 of this Count VIII.

14. Section 218.926(b)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.926(b)(1), provides as follows:

The daily-weighted average VOM content shall not exceed 0.42 kg VOM/l (3.5 lbs VOM/gal) of coating as applied (minus water and any compounds which are specifically exempted from the definition of VOM) during any day.

15. From 1999 until November 2002, Respondent used at least one coating with a VOM content of 3.6 lbs/gal. This is above the limits specified by the regulations for glass coating.

16. From 1999 until November 2002, Respondent operated its coating line in violation of Section 218.926(b)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.926(b)(1).

17. Respondent, by its conduct as alleged herein, has violated Section 218.926(b)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.926(b)(1), and thereby 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 a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count VIII:

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

2. Finding that Respondent has violated Sections 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 218.926(b) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.926(b) (1);

3. Ordering Respondent to cease and desist from further violations of Sections 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 218.926(b) (1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.926(b);

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 Respondent; and

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

COUNT IX

SUBMISSION OF INACCURATE ANNUAL EMISSION REPORTS

1 - 13. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 of Count I and paragraph 20 of Count III as paragraphs 1 through 13 of this Count IX.

14. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

- a) The owner or operator of any emission unit or air pollution control equipment, unless specifically exempted in this Section, 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.

15. Section 254.303 of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.303, provides, in pertinent part, as follows:

The Annual Emissions Report to be filed pursuant to this Subpart shall contain the following information:

- a) Source identification information:
 - 1) Source name, physical location and mailing address;
 - 2) SIC code;
 - 3) Source contact; and
 - 4) Source contact telephone

number.

- b) Source-wide totals of actual emissions for all regulated air pollutants emitted by the source.
- c) The following certification statement, unless another statement is required to be submitted pursuant to the source's permit: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete." The certification statement shall be signed and dated by the certifying individual and accompanied by the printed full name, title, and a telephone number of the certifying individual.

16. Section 254.103 of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.103, provides the following definition:

"Actual emissions" means the rate of emission of a regulated air pollutant from a source or an emission unit for the calendar year, seasonal period, day or other period of time, as specified, based on the best information available to the owner or operator of that emission unit. Actual emission rates include startup, shutdown or malfunction emissions. The calculation of actual emissions must follow an "emission determination method". Where, for any reason, a source has measured any of its emissions, the source must report the measured total as its "actual emissions" for those pollutants rather than using an estimation method to derive the total for that period of time during which the measurements were

taken.

17. Section 211.5500 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.5500, provides the following definition:

a) "Regulated air pollutant" means the following:

1) Nitrogen oxides (NO_x) or any volatile organic compound.

18. VOM is a regulated air pollutant as that term is defined in the Board Air Pollution Regulations.

19. Respondent submitted inaccurate Annual Emission Reports ("AERs") for its facility for the calendar years 1999 through 2001. The AERs that Respondent submitted reported emissions of VOM from its facility that were lower than actual emissions from its facility.

20. Respondent, by its conduct alleged herein, has violated Section 254.303 of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.303; Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a); and has thereby 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 a judgment in favor of Complainant and against Respondent, GTC, INTERNATIONAL, on Count IX:

1. Authorizing a hearing in this matter at which time

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); Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a); and Section 254.303 of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.303;

3. Ordering Respondent to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002); Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a); and Section 254.303 of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.303;

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

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

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

COUNT X

SUBMISSION OF INACCURATE SEASONAL EMISSION REPORTS

1-25. Complainant realleges and incorporates by reference herein paragraphs 1 through 25 of Count VI as paragraphs 1 through 25 of this Count X.

26. Section 205.300(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(a), provides as follows:

- a) For each year in which the source is operational, the owner or operator of each participating source and new participating source shall submit, as a component of its Annual Emission Report, seasonal emissions information to the Agency for each seasonal allotment period after the effective date of this Part in accordance with the following schedule:
 - 1) For each participating source or new participating source that generates VOM emissions from less than 10 emissions units, by October 31 of each year

27. Respondent was required by Section 205.300(a)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(a)(1) to submit seasonal emission information.

28. Section 205.300(b)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(b)(1), provides as follows:

- b) In addition to any information required pursuant to 35 Ill. Adm. Code 254, the seasonal emissions component of the Annual Emissions Report shall contain the following information for the preceding seasonal allotment period for each emission unit emitting or capable

of emitting VOM, except that such information is not required for emission units excluded pursuant to Section 205.220 of the Part of for VOM emissions attributable to startup, malfunction or breakdown, as specified in Section 205.225 of this Part:

- 1) Actual seasonal emissions of VOM from the source;

29. Section 205.130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.130, provides the following definitions:

"Seasonal allotment period" means the period from May 1 through September 30 of each year.

"Seasonal emissions" means actual VOM emissions at a source that occur during a seasonal allotment period.

30. Respondent's seasonal emission reports for 2000, 2001, and 2002 seasonal allotment periods did not reflect its actual seasonal emissions of VOM from its facility.

31. Respondent failed to accurately report the VOM emissions from its facility for seasonal allotment periods for calendar years 2000, 2001, and 2002, thereby violating Section 205.300(b)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(b)(1).

32. Section 254.132(b) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.132(b), provides as follows:

- b) Failure to file a complete Seasonal Emissions Report by the applicable deadlines prescribed in Section 254.137(b) of this Subpart shall be a

violation of this Part and 35 Ill. Adm.
Code 205.300.

33. Section 254.137(b) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.137(b), provides, in pertinent part, as follows:

b) Seasonal Emissions Reports must be submitted for the preceding seasonal allotment period in accordance with the following schedule:

1) For each participating source or new participating source that generates VOM emissions from less than 10 emission units, by October 31 of each year . . .

34. Respondent failed to report its seasonal emissions in calendar years 2000, 2001 and 2002 by the October 31 deadline proscribed in Section 254.137(b) of the Illinois EPA's Air Pollution Regulations, thereby violating Section 254.132(b) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.132(b) and Section 205.300 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300.

35. Respondent, by its conduct as alleged herein, has violated Section 254.132(b) of the Illinois EPA's Regulations, 35 Ill. Adm. Code 254.132(b); Section 205.300(b) (1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(b) (1); and thereby 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 a judgment in favor of

Complainant and against Respondent, GTC, International, on Count X:

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

2. Finding that Respondent has violated Sections 9(a) of the Act, 415 ILCS 5/9(a) (2002), Section 205.300(b) (1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(b) (1), and Section 254.132(b) of the Illinois EPA's Regulations, 35 Ill. Adm. Code 254.132(b);

3. Ordering Respondent to cease and desist from further violations of Sections 9(a) of the Act, 415 ILCS 5/9(a) (2002), Section 205.300 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300, and Section 254.132(b) of the Illinois EPA's Regulations, 35 Ill. Adm. Code 254.132(b);

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 Respondent; and

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

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. 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

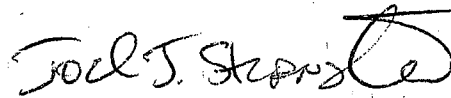
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CERTIFICATE OF SERVICE

I, JOEL J. STERNSTEIN, an Assistant Attorney General, certify that on the 19th day of August 2004, I caused to be served by Certified Mail the foregoing Complaint to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



JOEL J. STERNSTEIN