

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 15 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.

SPECIALTY PROMOTIONS, INC. d/b/a
SPECIALTY PRINTING COMPANY,
a Foreign Corporation,

Respondent.

PCB No. 05- 92
(Enforcement - Air)

NOTICE OF FILING

TO: Adam M. Lefebvre, Registered Agent
Specialty Promotions, Inc. d/b/a Specialty Printing Company
6019 West Howard Street
Niles, IL 60714

PLEASE TAKE NOTICE that I have today filed the Complaint with the Office of the Clerk of the Illinois Pollution Control Board, a true and correct copy of which is attached hereto and herewith served upon you. Pursuant to 35 Ill. Adm. Code 103.204(f), I am required to advise you that 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.

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

BY:



MICHAEL C. PARTEE
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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, SPECIALTY PROMOTIONS, INC. d/b/a SPECIALTY PRINTING COMPANY, a foreign corporation, as follows:

COUNT I

CAUSING OR ALLOWING AIR POLLUTION

1. This Count is brought in the name 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") pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in 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 the Complaint, SPECIALTY PROMOTIONS, INC. d/b/a SPECIALTY PRINTING COMPANY ("Specialty") was and is a Texas corporation authorized to transact business in Illinois.

4. Specialty owns and operates a commercial printing facility located at 6019 West Howard Street, Niles, Cook County, Illinois.

5. Cook County, Illinois, is designated a "severe" nonattainment area for the ozone air quality standard pursuant to 40 C.F.R. 81.314.

6. On November 13, 1998, the Illinois EPA issued lifetime operating permit no. 98080009 to Specialty for commercial printing equipment that includes one heatset offset printing press, five sheetfed offset printing presses, and one letter press.

7. The commercial printing equipment covered by lifetime operating permit no. 98080009 emits volatile organic material ("VOM") to the atmosphere.

8. Between about March 2002 and August 2002, Specialty constructed and began operating additional commercial printing equipment, including one coldset web press, an oxidizer, and one heatset web press with oxidizer (the "additional commercial printing equipment"), all without obtaining a construction permit from the Illinois EPA and without either modifying lifetime operating permit no. 98080009 or obtaining a new operating permit from the Illinois EPA.

9. The additional commercial printing equipment also emits VOM to the atmosphere.

10. Specialty failed to submit a compliance certification pursuant to the Illinois EPA upon start-up of the heatset web press with oxidizer that was installed and began operating between about March 2002 and August 2002.

11. In April 2003, Specialty tested the VOM emissions from its two oxidizers. The results of the April 2003 emission tests showed that the VOM destruction efficiency of both oxidizers was less than 90%.

12. On November 14, 2003, a representative of the Illinois EPA inspected Specialty's facility. The Illinois EPA representative observed that Specialty was operating the additional commercial printing equipment without construction or operating permits from the Illinois EPA.

13. Also on November 14, 2003, the Illinois EPA representative observed that the emission monitoring equipment for the oxidizer on Specialty's heatset web press was not functioning properly.

14. As of November 14, 2003, the Illinois EPA had not received any notification from Specialty that the emission monitoring equipment on Specialty's two oxidizers was functioning improperly.

15. On information and belief, the potential to emit VOM from Specialty's facility increased to at least 25 tons per year upon commencing operation of the additional commercial printing

equipment.

16. On information and belief, the combined emissions of VOM from Specialty's facility exceeded 100 pounds per day and 18.3 tons per year before the application of capture and control devices upon commencing operation of the additional commercial printing equipment.

17. Specialty did not submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois, within 30 days after its combined emissions of VOM exceeded 100 pounds per day and 18.3 tons per year before the application of capture and control devices upon commencing operation of the additional commercial printing equipment.

18. On information and belief, Specialty did not include actual VOM emissions in its 2002 Annual Emission Report to the Illinois EPA from the additional commercial printing equipment.

19. Specialty's facility is subject to the Act and the Illinois EPA's and Board's Air Pollution Regulations promulgated under the Act at Title 35, Subtitle B, Chapter I of the Illinois Administrative Code.

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), provides 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, agency or assigns.

21. Specialty, a foreign corporation, is a "person" as that term is defined in Section 3.315 of the Act.

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

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

23. Section 3.115 of the Act, 415 ILCS 5/3.115 (2002), provides 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.

24. The VOM emitted from the additional printing equipment at Specialty's facility is a "contaminant" as that term is defined in Section 3.165 of the Act.

25. The VOM emitted from the additional printing equipment at Specialty's facility is 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 and, therefore, constitute "air pollution" as that term is defined in Section 3.115 of the Act.

26. Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), provides as follows:

Acts prohibited. 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;

27. Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides, in relevant part, 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

28. By causing, threatening or allowing the discharge or emission of a contaminant into the environment from its facility from about March 2002 until to the present so as to unreasonably interfere with the enjoyment of life and/or property of nearby residents, Specialty caused or tended to cause air pollution in Illinois.

29. By causing or tending to cause air pollution in Illinois, Specialty violated Section 9(a) of the Act and Section 201.141 of the Board's Air Pollution Regulations.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued

thereafter;

5. Awarding to Complainant its costs and reasonable attorney's fees; and

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

COUNT II

CONSTRUCTING NEW EMISSION SOURCES AND NEW AIR POLLUTION CONTROL EQUIPMENT WITHOUT CONSTRUCTION PERMITS

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

26. Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), provides as follows:

No person shall:

* * *

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

27. Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides, in relevant part, 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,

28. Section 201.102 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides, in relevant part, as follows:

Definitions.

* * *

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

* * *

"New Air Pollution Control Equipment": any air pollution control equipment, the construction or modification of which is commenced on or after April 14, 1972.

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

29. The coldset web press and heatset web press that were constructed at Specialty's facility between about March 2002 and August 2002, which is after April 14, 1972, are "new emission sources" as that term is defined in Section 201.102 of the Board's Air Pollution Regulations.

30. The two oxidizers that were constructed at Specialty's facility between about March 2002 and August 2002, which is also after April 14, 1972, are "new air pollution control equipment" as that term is defined in Section 201.102 of the Board's Air Pollution Regulations.

31. Specialty failed to obtain construction permits from the Illinois EPA prior to causing or allowing the construction of new emission sources and new air pollution control equipment at its facility between about March 2002 and August 2002.

32. By failing to obtain construction permits from the Illinois EPA prior to causing or allowing construction of new emission sources and new air pollution control equipment at its facility, Specialty violated Section 9(b) of the Act and Section 201.142 of the Board's Air Pollution Regulations.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

COUNT III

OPERATING NEW EMISSION SOURCES AND NEW AIR POLLUTION CONTROL
EQUIPMENT WITHOUT OPERATING PERMITS

1-29. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 and 28 through 30 of Count II as paragraphs 1 through 29 of this Count III.

30. Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides as follows:

Operating Permits 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. Applications for operating permits shall be made at such times and contain such information (in addition to the information required by Section 201.157 as shall be specified in the construction permit.

31. Specialty failed to obtain operating permits from the Illinois EPA prior to causing or allowing the operation of new emission sources and new air pollution control equipment at its facility between about March 2002 and August 2002.

32. By failing to obtain operating permits prior to causing or allowing the operation of new emission sources and new air pollution control equipment at its facility between about March 2002 and August 2002, Specialty violated Section 9(b) of the Act and Section 201.143 of the Board's Air Pollution Regulations.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

COUNT IV

CONSTRUCTING A MAJOR SOURCE OF VOM WITHOUT CAAPP PERMITS

1-26. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 26 of Count II as paragraphs 1 through 26 of this Count IV.

27. Section 203.201 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 203.201, provides, in relevant part, as follows:

Prohibition

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

28. Section 203.203 of the Board's Air Pollution Regulations,

35 Ill. Adm. Code 203.203, provides 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.
- (c) The permit shall include conditions specifying the manner in which the requirements of Subparts B and C of this Part are satisfied.
- (d) No permittee shall violate any condition contained in a construction permit issued for a new major stationary source or major modification which is subject to this Part.

29. Section 203.206 of the Board's Air Pollution Regulations,

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

Major Stationary Source.

* * *

- (b) The following constitute a major stationary source:

- (1) For an area designated as nonattainment 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 nonattainment for ozone;

30. By constructing additional printing equipment at its facility that increased its facility's potential to emit VOM to at least 25 tons per year in a severe nonattainment area for ozone, Specialty constructed a new major stationary source.

31. Specialty failed to obtain construction permits from the Illinois EPA prior to causing or allowing the construction of a new major stationary source.

32. By failing to obtain construction permits from the Illinois EPA prior to constructing a new major stationary source, Specialty violated Section 9(b) of the Act and Sections 203.201 and 203.203 of the Board's Air Pollution Regulations.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;

5. Awarding to Complainant its costs and reasonable attorney's fees; and

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

COUNT V

OPERATING MAJOR SOURCES OF VOM WITHOUT CAAPP PERMITS

1-25. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 25 of Count I as paragraphs 1 through 25 of this Count V.

26. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002), provides, in relevant part, as follows:

Clean Air Act Permit Program.

(1) Definitions.

* * *

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

* * *

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

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

Clean Air Act Permit Program.

* * *

(2) Applicability.

(a) Sources subject to this Section shall include:

- (i) 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) For ozone nonattainment areas, sources with the potential to emit . . . 25 tons or more per year in areas classified as "severe"

28. Specialty's facility is a "major source" and "CAAPP source" because it has the potential to emit at least 25 tons of VOM per year in a severe ozone nonattainment area, which meets the applicable major source threshold of 25 tons of VOM per year under Section 39.5(2) of the Act.

29. Section 39.5(5)(x) of the Act, 415 ILCS 5/39.5(5)(x) (2002), provides, in relevant part, as follows:

Clean Air Act Permit Program.

* * *

- (5) Applications and completeness.

* * *

- (x) The owner or operator of a new CAAPP source shall submit its complete CAAPP application 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 the 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.

30. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2002), provides, in relevant part, as follows:

Clean Air Act Permit Program.

* * *

(6) Prohibitions.

- (a) 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.

31. Section 270.301 of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 270.301, provides, in relevant part, as follows:

Application Submittal.

- (a) In order for a submittal to be deemed timely, an owner or operator of an existing CAAPP source shall submit to the Agency a complete initial CAAPP application in accordance with the schedule set forth in Section 270.201 of this Part. An owner or operator of an existing CAAPP source may voluntarily submit its initial CAAPP application prior to the date required in this Part, provided that the CAAPP submittal to the Agency is subsequent to the date the Agency submits the CAAPP to USEPA for approval.
- (b) The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with Section 39.5(5) of the Act

32. Specialty's facility is a new CAAPP source and, pursuant to Section 39.5(5)(x) of the Act and Section 270.301 of the Illinois EPA's Air Pollution Regulations, its CAAPP application was due to the Illinois EPA within twelve months after commencing operation of the additional printing equipment between about March 2002 and August 2002.

33. By operating a new CAAPP source without a CAAPP operating permit, Specialty violated Sections 39.5(5)(x) of the Act and Section 270.301 of the Illinois EPA's Air Pollution Regulations.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

COUNT VI

FAILING TO ACHIEVE 90% REDUCTION IN EMISSIONS

1-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count I as paragraphs 1 through 26

of this Count VI.

27. Section 218.407(a)(1)(C) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.407(a)(1)(C), provides as follows:

Emission Limitations and Control Requirements for
Lithographic Printing Lines On and After March 15, 1996

(a) On and after March 15, 1996, no owner or operator of lithographic printing line(s) subject to the requirements of this Subpart shall:

(1) Cause or allow the operation of any heatset web offset lithographic printing line unless:

* * *

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

28. Upon emitting greater than 100 pounds per day of VOM from its lithographic printing operations, Specialty became subject to the Board's lithographic printing regulations.

29. The VOM emission test conducted by Specialty in April 2003 showed that Specialty failed to reduce emissions from its lithographic printing operations by 90% in at least April 2003.

30. By failing to reduce emissions from its lithographic printing operations by 90%, Specialty violated Section 218.407(a)(1)(C) of the Board's Air Pollution Regulations.

31. By violating Section 218.407(a)(1)(C) of the Board's Air Pollution Regulations, Specialty violated Section 9(a) of the Act.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

COUNT VII

FAILING TO CERTIFY COMPLIANCE WITH LITHOGRAPHIC PRINTING RULES

1-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 Count I as paragraphs 1 through 26 of this Count VII.

27. Section 218.411(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.411(b), provides, in relevant

part, as follows:

Recordkeeping and Reporting for Lithographic Printing

* * *

- (b) An owner or operator of a heatset web offset lithographic printing line(s) subject to the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart shall comply with the following:
 - (1) By March 15, 1996, upon initial start-up of a new printing line, and upon initial start-up of a new control device for a heatset web offset printing line, submit a certification to the Agency that includes the following:
 - (A) An identification of each heatset web offset lithographic printing line at the source;
 - (B) A declaration that each heatset web offset lithographic printing line is in compliance with the requirements of Section 218.407 (a) (1) (B), (a) (1) (C), (a) (1) (D) and (a) (1) (E) or (b) of this Subpart, as appropriate;
 - (C) The type of afterburner or other approved control device used to comply with the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart;
 - (D) The control requirements in Section 218.407(a)(1)(C) or (b)(1) of this Subpart with which the lithographic printing line is complying;
 - (E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and
 - (F) A declaration that the monitoring equipment required under Section 218.407(a)(1)(D) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

28. Between about March 2002 and August 2002, Specialty installed an oxidizer with its heatset web press in order to comply with the Board's lithographic printing regulations.

29. Specialty failed submit a compliance certification pursuant Section 218.411(b) of the Board's Air Pollution Regulations to the Illinois EPA upon start-up of its lithographic printing line.

30. By failing to submit said compliance certification to the Illinois EPA, Specialty violated Section 218.411(b) of the Board's Air Pollution Regulations.

31. By violating Section 218.411(b) of the Board's Air Pollution Regulations, Specialty violated Section 9(a) of the Act.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;

5. Awarding to Complainant its costs and reasonable attorney's fees; and

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

COUNT VIII

FAILING TO FILE COMPLETE ANNUAL EMISSION REPORT

1-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count I as paragraphs 1 through 26 of this Count VIII.

27. Section 254.303(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 254.303(b), provides as follows:

Contents of Subpart C Annual Emissions Report

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

* * *

(b) Source-wide totals of actual emissions for all regulated air pollutants emitted by the source.

28. Specialty failed to include actual VOM emissions from the additional commercial printing equipment in its 2002 Annual Emission Report.

29. By failing to include actual VOM emissions from the additional commercial printing equipment in its 2002 Annual Emission Report, Specialty violated Section 254.303(b) of the Board's Air Pollution Regulations.

30. By violating 254.303(b) of the Board's Air Pollution Regulations, Specialty violated Section 9(a) of the Act.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

COUNT IX

VIOLATING SPECIAL CONDITION NO. 2 OF OPERATING PERMIT

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

26. Special Condition No. 2 of Specialty's lifetime operating permit no. 98080009 provides, in relevant part, as follows:

. . . This permit is subject to standard conditions attached hereto and the following special condition(s):

* * *

- (2) This permit is issued based on the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) never exceeding 100 lbs/day and 18.3 tons/year, as determined in accordance with 35 Ill. Adm. Code 218.411(a)(1)(B), before the application of capture systems and control devices.

27. Complainant realleges and incorporates by reference herein paragraph 26 of Count II as paragraph 27 of this Count IX.

28. Upon commencing operation of the additional commercial printing equipment, the combined emissions of VOM from Specialty's facility exceeded 100 pounds per day and 18.3 tons per year before the application of capture and control devices.

29. By exceeding these allowable daily and annual emissions, Specialty violated Special Condition No. 2 of lifetime operating permit no. 98080009.

30. By violating Special Condition No. 2 of lifetime operating permit no. 98080009, Specialty violated Section 9(b) of the Act.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;

3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;

4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;

5. Awarding to Complainant its costs and reasonable attorney's fees; and

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

COUNT X

VIOLATING SPECIAL CONDITION NO. 5 OF OPERATING PERMIT

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

26. Special Condition No. 5 of Specialty's lifetime operating permit no. 98080009 provides, in relevant part, as follows:

. . . This permit is subject to standard conditions attached hereto and the following special condition(s):

* * *

- (5) If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a

description of the exceedance or violation and efforts to reduce emissions and future occurrences.

27. Complainant realleges and incorporates by reference herein paragraph 26 of Count II as paragraph 27 of this Count X.

28. Upon commencing operation of the additional commercial printing equipment, the combined emissions of VOM from Specialty's facility exceeded the allowable limits of 100 pounds per day and 18.3 tons per year before the application of capture and control devices under Special Condition No. 2 of lifetime operating permit no. 98080009.

29. By exceeding the allowable limits under Special Condition No. 2 of lifetime operating permit no. 98080009, Specialty exceeded a requirement of the permit, but failed to submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance.

30. By failing to submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance, Specialty violated Special Condition No. 5 of lifetime operating permit no. 98080009.

31. By violating Special Condition no. 5 of lifetime operating permit no. 98080009, Specialty violated Section 9(b) of the Act.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this 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 violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

COUNT XI

VIOLATING SPECIAL CONDITION NO. 7 OF OPERATING PERMIT

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

26. Special Condition No. 7 of Specialty's lifetime operating permit no. 98080009 provides, in relevant part, as follows:

. . . This permit is subject to standard conditions attached hereto and the following special condition(s):

* * *

(7) Persons with lifetime operating permits must obtain a revised permit for any of the following changes at the source:

- (a) An increase in emissions above the amount the emission unit or the source is permitted to emit;
- (b) A modification;
- (c) A change in operations that will result in the source's noncompliance with conditions in the existing permit; or
- (d) A change in ownership, company name, or address, so that the application of existing permit is not longer accurate.

27. Complainant realleges and incorporates by reference herein paragraph 26 of Count II as paragraph 27 of this Count XI.

28. Section 201.102 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides, in relevant part, as follows:

Definitions.

* * *

"Modification": any physical change in, or change in the method of operations of, an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted

29. Specialty's construction and operation of additional commercial printing equipment was a "modification" as that term is defined in Section 201.102 of the Board's Air Pollution Regulations because it increased the amount of VOM emitted by its facility.

30. By making a "modification" to its facility, Specialty violated special condition no. 7 of lifetime operating permit no.

98080009.

31. By violating special condition no. 7 of lifetime operating permit no. 98080009, Specialty violated Section 9(a) of the Act.

WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this Count XI:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

COUNT XII

FAILING TO MAINTAIN AND OPERATE
CONTINUOUS EMISSION MONITORING EQUIPMENT

1-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count I as paragraphs 1 through 26 of this Count XII.

27. Section 218.407(a)(1)(D) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.407(a)(1)(D), provides as follows:

Emission Limitations and Control Requirements for
Lithographic Printing Lines On and After March 15, 1996.

(a) On and after March 15, 1996, no owner or operator of lithographic printing line(s) subject to the requirements of this Subpart shall:

(1) Cause or allow the operation of any heatset web offset lithographic printing line unless:

* * *

(D) The afterburner is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated, and maintained according to manufacturer's specifications at all times when the afterburner is in use;

28. By failing to have properly functioning emission monitoring equipment on the oxidizer on the heatset web press, which is also known as an afterburner, on at least November 14, 2003, Specialty failed to have monitoring equipment that was calibrated, operated and maintained at all reasonable times when the oxidizer is in use.

29. By failing to have monitoring equipment that was calibrated, operated and maintained at all reasonable times when the oxidizer is in use, Specialty violated Section 218.407(a)(1)(D) of the Board's Air Pollution Regulations.

30. By violating Section 218.407(a)(1)(D) of the Board's Air Pollution Regulations, Specialty violated Section 9(a) of the Act.

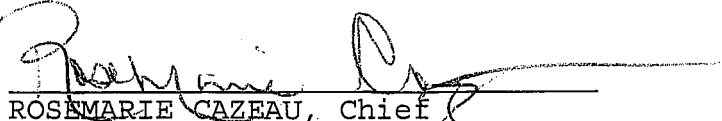
WHEREFORE, Complainant respectfully requests that the Board enter an order in favor of Complainant and against Respondent on this Count XII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated the Act and regulations as alleged herein;
3. Ordering Respondent to cease and desist from any further violations of the Act and regulations;
4. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each violation of the Act and regulations, and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation continued thereafter;
5. Awarding to Complainant its costs and reasonable attorney's fees; and
6. Granting such other relief as the Board deems appropriate.

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

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

BY:


ROSEMARIE CAZEAU, Chief
Environmental Bureau North
Assistant Attorney General

OF COUNSEL:

MICHAEL C. PARTEE
Assistant Attorney General
Environmental Bureau North
188 West Randolph Street, Suite 2001
Chicago, Illinois 60601
Tel: (312)814-2069

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the Complaint was sent by certified mail with return receipt requested to the person listed on the Notice of Filing on November 15, 2004.

BY: Michael C. ParTEE
MICHAEL C. PARTEE

It is also hereby certified that the original plus nine (9) copies of the Complaint were hand-delivered to the following person on November 15, 2004:

Pollution Control Board, Attn: Clerk
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

BY: Michael C. ParTEE
MICHAEL C. PARTEE