ILLINOIS POLLUTION CONTROL BOARD March 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 05-92
)	(Enforcement - Air)
SPECIALTY PROMOTIONS, INC. d/b/a)	,
SPECIALTY PRINTING COMPANY, a)	
foreign corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On February 15, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a twelve-count complaint against Specialty Promotions, Inc. d/b/a Specialty Printing Company (Specialty Promotions). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Specialty Promotions violated Sections 9(a), (b) and 39.5(5)(x) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b), 39.5(5)(x) (2002)), and Sections 201.141, 201.142, 201.143, 203.201, 218.407(a)(1)(C) and (D), 218.411(b), 254.303(b), and 270.301 of the Board's air pollution regulations (35 Ill. Adm. Code 201.141, 201.142, 201.143, 203.201, 218.407(a)(1)(C) and (D), 218.411(b), 254.303(b), and 270.301). The People further allege that Specialty Promotions violated these provisions by constructing and operating additional commercial printing equipment without obtaining construction permits from the Agency and without either modifying its existing lifetime operating permit or obtaining new operating permits from the Agency. The complaint concerns Specialty Promotions' commercial printing facility located at 6019 West Howard Street, Niles, Cook County.

On January 5, 2005, the People and Specialty Promotions filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the Des Plaines Journal, the Mt. Prospect Journal, the Golf Mill Journal, and the Prospect Heights Journal on February 4, 2005. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a

hearing. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Specialty Promotions' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and Specialty Promotions have satisfied Section 103.302. Under the proposed stipulation, Specialty Promotions neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$75,000. The settlement does not include a supplemental environmental project. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Specialty Promotions, Inc. d/b/a Specialty Printing Company (Specialty Promotions) must pay a civil penalty of \$75,000 in two installments of \$37,500 each. The first payment must be made no later than April 4, 2005, which is the 30th day after the date of this order. The second payment must be made no later than June 1, 2005, which is the 90th day from the date of this order. Specialty Promotions must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Specialty Promotions' social security number or federal employer identification number must be included on the certified check or money order.
- 3. Specialty Promotions must send the certified check or money order to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
- 5. Specialty Promotions must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 3, 2005, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board