

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
- vs -)	PCB No. 06-
)	(Enforcement - Air)
QUANTUM COLOR GRAPHICS, L.L.C., an)	
Illinois limited liability company,)	
)	
Respondent.)	

NOTICE OF FILING

TO: See Attached Service List (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is 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.

NOTIFICATION


YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental facilities financing act [20 ILCS 3515/1 *et seq.*] to correct the alleged pollution.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY:


PAULA BECKER WHEELER
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
312-814-1511

DATE: September 6, 2005

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
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Complainant,)	
)	
vs.)	No.
)	(Air - Enforcement)
QUANTUM COLOR GRAPHICS, L.L.C.,)	
an Illinois limited liability company,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of the State of Illinois, complains of Respondent, QUANTUM COLOR GRAPHICS, L.L.C., an Illinois limited liability company, as follows:

COUNT I
CONSTRUCTING EMISSION SOURCES WITHOUT A PERMIT

1. This complaint is brought on behalf of the People of the State of Illinois, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(2004).
2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Illinois Environmental Protection Act, 415 ILCS 5/4 (2004), and charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to this complaint, Respondent, QUANTUM COLOR

GRAPHICS L.L.C., ("Quantum"), has been and is an Illinois limited liability company, in good standing.

4. Respondent Quantum owns and operates a printing facility ("facility") at 6511 West Oakton Street, Morton Grove, Cook County, Illinois. Emission sources currently at the facility include four lithographic printing presses.

5. In 1985, Respondent constructed and began operation of lithographic printing press #240-1 ("Press 1"). Operation of Press 1 was discontinued in May of 1998. In June of 1994, Respondent constructed and began operation of lithographic printing press #640-4 ("Press 4"). Operation of Press 4 was discontinued in July of 2004. In September of 1997, Respondent constructed and began operation of lithographic printing press #640-2 ("Press 2"), and lithographic printing press #640-3 LYL ("Press 3"). In May of 1998, Respondent constructed and began operation of lithographic printing press #540-5 ("Press 5"). In August of 2004, Respondent constructed and began operation of lithographic printing press #840-4 ("Press 6"). As of the time of the filing of this complaint, Press 2, Press 3, Press 5 and Press 6 are still in operation.

6. Quantum did not apply for or obtain a construction permit from the Illinois EPA prior to its construction and operation of any of the emission sources stated in Paragraph 5 above, including the presses that are no longer in operation.

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

regulations for air pollution are found in Title 35, Subtitle B, Chapter II of the Illinois Administrative Code ("Illinois EPA Air Pollution Regulations").

8. Section 3.120 of the Act, 415 ILCS 5/3.120 (2004), provides the following definition:

"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.

9. Section 9(b) of the Act, 415 ILCS 5/9(b) (2004), provides as follows:

No person shall:

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(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;

10. 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 . . . without first obtaining a construction permit from the Agency, except as provided in Section 201.146.

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), 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. Quantum is a "person" as that term is defined within Section 3.315 of the Act, 415

ILCS 5/3.315 (2004).

13. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides, in pertinent part, the following definitions:

"CONSTRUCTION": commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.

"EMISSION SOURCE": any equipment or facility of a type of emitting specified air contaminants to the atmosphere.

"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 emissions standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

"AIR POLLUTION CONTROL EQUIPMENT": any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to 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.

14. Volatile organic material ("VOM") is a "specified air contaminant" as the term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

15. The equipment stated in paragraph 5 above, constructed at various times from 1985 to 2004, or on dates better known to the Respondent, emits or has the potential to emit VOM into the atmosphere and are "new emission sources," as that term is defined in Section

201.102 of the Board Air Pollution Regulations. All of the equipment in paragraph 5 above was constructed after April 14, 1972.

16. Because the six presses, including the currently operating four presses, emit or have the potential to emit VOM into the atmosphere, they are capable of causing or contributing to air pollution.

17. By constructing six printing presses at its facility, without first obtaining the requisite construction permit from the Illinois EPA, Quantum violated Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, and Section 9(b) of the Act, 415 ILCS 5/9(b) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR GRAPHICS, L.L.C., on this Count I:

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

B. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2004), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

C. Ordering the Respondent to cease and desist from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2004), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation of the Act and its promulgated regulations with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

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

COUNT II
OPERATING EMISSION SOURCES WITHOUT A PERMIT

1-15. Complainant realleges and incorporates by reference herein paragraphs 1 through 9 and 11 through 16 of Count I as paragraphs 1 through 15 of this Count II.

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

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.

17. From 1985, and at various times, continuing at least until the date of the filing of this complaint, Quantum operated its printing presses as listed in paragraph 5 of Count I without having first obtained an Illinois EPA operating permit. Quantum continues to operate four presses without the required permits.

18. Quantum, by its conduct as alleged herein, violated Section 9(b) of the Act, 415 ILCS 5/9(b)(2004), and Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR

GRAPHICS, L.L.C., on this Count II:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2004), and Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143;
- C. Ordering the Respondent to cease and desist from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2004), and Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation of the Act and its promulgated regulations, with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;
- E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
- F. Granting such other relief as the Board deems appropriate and just.

COUNT III
FAILURE TO OBTAIN CAAPP PERMIT FOR A MAJOR SOURCE

1-18. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I and paragraphs 16 and 17 of Count II as paragraphs 1 through 18 of this Count III.

19. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2004), provides as follows:

Prohibition

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- (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 a source has been timely submitted to the Agency.

20. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2004), 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) and that belongs to a single major industrial grouping....

“OWNER or OPERATOR” means any person who owns, leases, operates, controls, or supervises a stationary source.

“REGULATED AIR POLLUTANT” means the following:
(1) Nitrogen Oxides (NO_x) or any volatile organic compound....

“STATIONARY SOURCE” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

21. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2004), provides, in pertinent part, as follows:

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:

i. A major source under Section 112 of the Clean Air Act, which is defined as:

A. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Clean Air Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as USEPA may establish by rule....

* * *

22. Section 39.5(5)(x) of the Act, 415 ILCS 5/39.5(2) (2004), provides, in pertinent part, as follows:

Applications and Completeness

* * *

x) ... The owner or operator of an existing source ...that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP applications consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

* * *

23. Section 203.112 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.112, provides, in pertinent part, the following definition:

Building, Structure and Facility

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

Pollutant-emitting activities shall be considered as part of the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively) incorporated by reference in 35 Ill. Adm. Code 720.111.

24. Quantum's facility is a "facility" and a "stationary source", as those terms are defined in Section 203.112 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.112, and Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2004), respectively.

25. The Illinois EPA Air Pollution Regulations pertaining to the Clean Air Act Permit Program Procedures, 35 Ill. Adm. Code Part 270 *et seq.*, were effective starting January 4, 1994. The Title V Program (i.e. the statutory provision of 415 ILCS 5/39.5) was approved by USEPA in its final interim approval dated March 7, 1995.

26. Section 270.103 and Section 270.105 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 270.103, 270.105 provide, respectively, the following definitions:

"EXISTING CAAPP SOURCE" means a CAAPP source that commenced operation prior to the effective date of the CAAPP.

"NEW CAAPP SOURCE" means a CAAPP source that is not an existing CAAPP source.

27. Section 270.107 of the Illinois EPA Air Pollution Regulations, 36 Ill. Adm. Code 270.107, provides as follows:

This part applies to the owner or operator of any source required to have an operating permit pursuant to Section 39.5 of the Act.

28. Section 211.7150 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.7150, provides the following definition:

“VOLATILE ORGANIC MATERIAL (VOM)” or volatile organic compound means any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photo-chemical reactions.

29. The printing presses described in paragraph 5 of Count I of this complaint emit VOM, a regulated air pollutant, as defined by Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2004).

30. Since at least September of 1997 through the date of filing of this complaint, Quantum’s facility has emitted or had the potential to emit VOM, a regulated air pollutant, into the atmosphere. Therefore, Quantum’s facility is a stationary source as defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2004).

31. As a result, Quantum is an owner or operator of a stationary source.

32. Quantum’s facility emits or has the potential to emit annual VOM emissions in excess of 25 tons per year (“TPY”), and is a major source as defined in Section 39.5(2)(c)(i)(A) of the Act, 415 ILCS 39.5(2)(c)(i)(A)(2004), and a CAAPP source. Therefore, the Clean Air Act Permit Program, set forth in Section 39.5 of the Act, 415 ILCS 5/39.5 *et seq* (2004), and in 35 Ill. Adm. Code 270.107 *et seq*, pursuant to Section 270.107 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 270.107, is applicable to the Quantum facility.

33. Beginning in at least 1997, Quantum increased its potential to emit annual VOM emissions to levels greater than 25 TPY, and was required to submit a CAAPP permit application to the Illinois EPA 180 days prior to the increase. By failing to do so, it was operating a CAAPP source without obtaining the requisite CAAPP permit.

34. Quantum finally applied for its CAAPP permit in June 2004. The Permit has not been issued as of the filing of this complaint.

35. By not obtaining a CAAPP permit prior to increasing its potential to emit to greater than 25 TPY annual VOM emissions at the source, Quantum violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR GRAPHICS, L.L.C., on this Count III:

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

B. Finding that Respondent has violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2004);

C. Ordering the Respondent to cease and desist from any further violations of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2004);

D. Assessing against Respondent a civil penalty of ten thousand dollars (\$10,000.00) for each and every violation of the Act and its promulgated regulations;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

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

COUNT IV
FAILURE TO COMPLY WITH NEW SOURCE REVIEW REQUIREMENTS

1-34. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I, paragraphs 16 and 17 of Count II, and paragraphs 19 through 34 of Count III as paragraphs 1 through 34 of this Count IV.

35. Section 9(a) of the Act, 415 ILCS 5/9(a)(2004), 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.

36. Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201, provides, in pertinent 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 [VOM] or nitrogen oxides. ...

37. At all times relevant to this Complaint, Quantum is and was located in Morton Grove, Cook County, Illinois, and Cook County was designated as a severe nonattainment area for ozone.

38. Section 203.206 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.206, provides the following definition:

Major Stationary Source

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

* * *

39. At the time that Quantum added the two new presses in September of 1997, Quantum's facility became a "major stationary source" under Section 203.206 of the Board Air Pollution Regulations because it had the potential to emit 25 TPY or more of VOM and was located in a severe nonattainment area for ozone.

40. Because Quantum failed to obtain construction permits from the Illinois EPA for the equipment constructed in 1997, listed in paragraph 5 of Count I, the facility did not demonstrate compliance with 35 Ill. Adm. Code Part 203.

41. By constructing or modifying a major stationary source in September of 1997, or on dates better known to Quantum, without demonstrating compliance with 35 Ill. Adm. Code Part 203, Quantum violated Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201, and Section 9(a) of the Act, 415 ILCS 5/9(a)(2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR GRAPHICS, L.L.C., on this Count IV:

- A. Authorizing a hearing in this matter at which time the Respondent will be required

to answer the allegations herein;

- B. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201;
- C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.201;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation of the Act and its promulgated regulations, with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;
- E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and
- F. Granting such other relief as the Board deems appropriate and just.

COUNT V
FAILURE TO SUBMIT COMPLIANCE CERTIFICATION

1-38. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I, paragraphs 16 and 17 of Count II, paragraphs 19 through 34 of Count III, paragraphs 35 through 37, and 39 of Count IV as paragraphs 1 through 38 of this Count V.

39. Sections 218.411(a)(1)(A) and (c)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(a)(1)(A), (c)(1), provide, in pertinent part, as follows:

- a) An owner or operator of lithographic printing line(s) exempt from the limitations of Section 218.407 of this Subpart because of the criteria in Section 218.405(d) of this Subpart shall comply with the following:

- 1) By March 15, 1996, upon initial start-up of a new lithographic printing line, and upon modification of a lithographic printing line, submit a certification to the Agency that includes:

- A) A declaration that the source is exempt from the control requirements in Section 218.407 of this Part because of the criteria in Section 218.405(d) of this Subpart;

* * *

- c) An owner or operator of a lithographic printing line subject to Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart, shall:

- 1) By March 15, 1996, and upon initial start-up of a new lithographic printing line, certify to the Agency that fountain solutions used on each lithographic printing line will be in compliance with the applicable VOM content limitation. ...

* * *

40. By March 15, 1996, and upon start-up of each lithographic printing press added to the facility thereafter, Quantum was required to certify that its lithographic printing operations were in compliance with the Board's lithographic printing regulations or were exempt from the regulations. Quantum failed to submit its certification to the Illinois EPA until October 13, 2004.

41. By failing to timely submit its certification of compliance or exemption, Quantum violated Sections 218.411(a)(1)(A) and (c)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(a)(1)(A), (c)(1), and Section 9(a) of the Act, 415 ILCS 5/9(a) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR GRAPHICS, L.L.C., on this Count V:

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

B. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Sections 218.411(a)(1)(A) and (c)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(a)(1)(A), (c)(1);

C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Sections 218.411(a)(1)(A) and (c)(1) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(a)(1)(A), (c)(1);

D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation of the Act and its promulgated regulations, with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

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

COUNT VI
FAILURE TO KEEP RECORDS

1-41. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I, paragraphs 16 and 17 of Count II, paragraphs 19 through 34 of Count III, paragraphs 35 through 39 of Count IV, and paragraphs 39 and 40 of Count V, as paragraphs 1 through 41 of this Count VI.

42. Section 218.411(c)(2) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(c)(2), provides, in pertinent part, as follows:

c) An owner or operator of a lithographic printing line subject to Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart, shall:

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2) On and after March 15, 1996, collect and record the following information for each fountain solution:

A) The name and identification of each batch of fountain solution prepared for use on one or more lithographic printing lines, the lithographic printing line(s) or centralized reservoir using such batch of fountain solution, and the applicable VOM content limitation for the batch;

B) If an owner or operator uses a hydrometer, refractometer, or conductivity meter, pursuant to Section 218.410(b)(1)(B), to demonstrate compliance with the applicable VOM content limit in Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart:

i) The date and time of preparation, and each subsequent modification, of the batch;

ii) The results of each measurement taken in accordance with Section 218.410(b) of this Subpart;

iii) Documentation of the periodic calibration of the meter in accordance with the manufacturer's specifications, including date and time of calibration, personnel conducting, identity of standard solution, and resultant reading; and

iv) Documentation of the periodic temperature adjustment of the meter, including date and time of adjustment, personnel conducting and results;

C) If the VOM content of the fountain solution is determined pursuant to Section 218.410(b)(1)(A) of this Subpart, for each batch of as-applied fountain solution:

i) Date and time of preparation and each subsequent modification of the batch;

ii) Volume and VOM content of each component used in, or subsequently added to, the fountain solution batch;

iii) Calculated VOM content of the as-applied fountain solution; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 218.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;

D) If the owner or operator relies on the temperature of the fountain solution to comply with the requirements in Section 218.407(a)(1)(A)(ii) or (a)(3)(B) of this Subpart:

i) The temperature of the fountain solution at each printing line, as monitored in accordance with Section 218.410(a); and

ii) A maintenance log for the temperature monitoring devices and automatic, continuous temperature recorders detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

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43. From on or about March 1996, and continuing until 2004, Quantum failed to keep records concerning its lithographic printing operations. It began to keep records in 2004.

44. By failing to keep the required records for its lithographic printing operations, Quantum violated Section 218.411(c)(2) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(c)(2), and Section 9(a) of the Act, 415 ILCS 5/9(a) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR GRAPHICS, L.L.C., on this Count VI:

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

B. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 218.411(c)(2) of the Board Air Pollution Regulations, 35 Ill. Adm. Code

218.411(c)(2);

C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 218.411(c)(2) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.411(c)(2);

D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation of the Act and its promulgated regulations, with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

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

COUNT VII
FAILURE TO SUBMIT A FUGITIVE DUST PLAN

1-39. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I, paragraphs 16 and 17 of Count II, paragraphs 19 through 34 of Count III, and paragraphs 35 through 39 of Count IV, as paragraphs 1 through 39 of this Count VII.

40. Section 212.309(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a), provides as follows:

- a) The emission units described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart, and prepared by the owner or operator and submitted to the Agency for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.

41. From 1996 and continuing until October 13, 2004, Quantum failed to submit a

fugitive dust plan to the Illinois EPA for its review.

42. By failing to submit a fugitive dust plan, Quantum violated Section 212.309(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a), and Section 9(a) of the Act, 415 ILCS 5/9(a) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR GRAPHICS, L.L.C., on this Count VII:

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

B. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 212.309(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 212.309(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.309(a);

D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000.00) for each and every violation of the Act and its promulgated regulations, with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

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

COUNT VIII
FAILURE TO SUBMIT ANNUAL EMISSION REPORTS

1-39. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I, paragraphs 16 and 17 of Count II, paragraphs 19 through 34 of Count III, and paragraphs 35 through 39 of Count IV, as paragraphs 1 through 39 of this Count VIII..

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

Reports

- 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.

* * *

41. Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides, in pertinent part, as follows:

Failure to File a Complete Report

- a) Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

* * *

42. Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a), provides as follows:

Reporting Schedule

- a) All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

* * *

43. From calendar years 1997 through 2003, Quantum failed to submit to the Illinois EPA annual emissions reports accurately documenting all emissions including VOM generated by the source during its printing operations in a timely manner. Quantum finally submitted the annual reports for 1997 through 2003 in October, 2004.

44. By failing to submit annual emission reports in a timely manner, Quantum violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 9(a) of the Act, 415 ILCS 5/9(a) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, QUANTUM COLOR GRAPHICS, L.L.C., on this Count VIII:

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

B. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2004), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

D. Assessing against Respondent a civil penalty of fifty thousand dollars

(\$50,000.00) for each and every violation of the Act and its promulgated regulations, with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and


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

Respectfully submitted,

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
Assistant Attorney General

Of Counsel:

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CERTIFICATE OF SERVICE

I, PAULA BECKER WHEELER, an attorney, do certify that I caused to be served this 6th day of September, 2005, the foregoing Complaint and Notice of Filing upon the persons listed on said Notice, by Certified Mail.



PAULA BECKER WHEELER
Assistant Attorney General