June 15, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 04-9
AARGUS PLASTICS, INC., an Illinois)	(Enforcement - Air)
corporation,)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On July 17, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Aargus Plastics. *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Aargus Plastics's polyethylene bag manufacturing facility at 1415 Redeker Road, Des Plaines, Cook County. The parties now seek to settle. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

The People allege that Aargus Plastics violated Sections 9(a) and (b) and 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/ (2004)), 35 Ill. Adm. Code 201,302(a), 201.303, 205.150(c)(1), 205.300(b)(1), and 218.401(a), and conditions 5.5.1, 5.7.1, 6.7(a)(i), 7.1.3(b), (c), and (d), 7.1.6, 9.2.1, and 9.8 of Clean Air Act Permit Program operating permit number 95110088. The People further allege that Argus Plastics violated these provisions by (1) using flexographic printing inks that exceeded the maximum allowable volatile organic material (VOM) content after the deadline for using compliant inks and in violation of conditions set by permit; (2) failing to meet required milestones for compliance applicable to flexographic printing operations; (3) failing to submit reports and certifications required by permit condition; (4) emitting VOM in excess of amounts allowed by permit condition and by regulations; (5) submitting false reports required by permit condition and regulations; (6) operating an emission source not in compliance with permit conditions. (The stipulation notes that the Des Plaines facility is no longer in operation and that Aargus Plastics moved its operations to Wheeling, Lake County.)

On May 31, 2006, the People and Aargus Plastics 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 III. Adm. Code 103.300(a). Under the proposed stipulation, the Aargus Plastics neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$125,000.

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) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 15, 2006, by a vote of 4-0.

Drucky In. Sun

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board