

ILLINOIS POLLUTION CONTROL BOARD  
July 20, 2006

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

OPINION AND 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.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Aargus Plastics violated Sections 9(a) and (b) and 39.5(6)(b) of the 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; and (7) failing to submit required notification of non-compliance with permit conditions.

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)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation,

proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Des Plaines Times/Pioneer Press* on June 8, 2006. 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) (2004); 35 Ill. Adm. Code 103.300(b). (The stipulation notes that the Des Plaines facility is no longer in operation and that Aargus Plastics moved its operations to Wheeling, Lake County.)

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 Aargus Plastics' 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) (2004)), which bears on the reasonableness of the circumstances surrounding the alleged violations.

Aargus Plastics neither admits nor denies the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004)), which may mitigate or aggravate the civil penalty amount. Aargus Plastics agrees to pay a civil penalty of \$125,000, which the parties stipulate negates any economic benefit derived from delayed compliance. The People further assert will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

The People and Aargus Plastics have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement. This docket is now closed.

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. Aargus Plastics, through its attorney of record, must pay a civil penalty of \$125,000 no later than August 21, 2006, which is the first business day after the 30th day after the date of this order. Aargus Plastics must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and Aargus Plastics' federal employer identification number must be included on the certified check or money order.
3. Aargus Plastics, through its attorney of record, must send the certified check, money order, or electronic funds transfer to the following person at the indicated address:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East

P.O. Box 19276  
Springfield, Illinois 62794-9276

4. Aargus Plastics, through its attorney of record, must send a copy of the certified check, money order, or record of electronic funds transfer and any transmittal letter to the following person at the indicated address:

George D. Theophilos, Assistant Attorney General  
Environmental Bureau  
188 West Randolph Street, 20th Floor  
Chicago, Illinois 60601

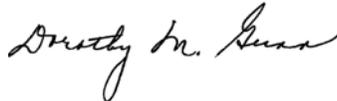
Maureen Wozniak, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
6. Aargus Plastics 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) (2004); *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 July 20, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board