

ILLINOIS POLLUTION CONTROL BOARD

November 2, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-35
)	(Enforcement – Air)
QUANTUM COLOR GRAPHICS, L.L.C., an)	
Illinois limited liability company,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On September 6, 2005, complainant, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against respondent, Quantum Color Graphics, L.L.C. (Quantum). The complaint concerns Quantum's printing facility at 6511 West Oakton Street in Morton Grove, Cook County. The parties now seek to settle without a public hearing.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Quantum violated Sections 9(a) and (b) and 39.5(6)(b) of the Act (415 ILCS 5/9(a) and (b) and 39.5(6)(b) (2004)) and Board air pollution control regulations at 35 Ill. Adm. Code 201.142, 201.143, 201.302(a), 203.201, 212.309(a), and 218.411(a)(1)(A), (c)(1), and (c)(2). According to the complaint, Quantum violated these provisions by (1) constructing emission sources without a permit; (2) operating emission sources without a permit; (3) failing to obtain a Clean Air Act Permit Program (CAAPP) permit for a major source; (4) failing to comply with New Source Review requirements; (5) failing to submit required certifications; (6) failing to keep required records; (7) failing to submit a required fugitive dust plan; and (8) failing to submit required annual emissions reports.

On September 11, 2006, the People and Quantum 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). Under the proposed stipulation, Quantum does not admit the alleged violations, but agrees to pay a civil penalty of \$44,000.

The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Morton Grove Champion/Pioneer Press* on October 5, 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).

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 the respondents' 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.

As previously stated, Quantum does not admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$44,000. The stipulation provides that \$12,725.00 of that amount is recovered economic benefit, while the remaining \$31,275 is in penalties. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2004)), *as amended by* P.A. 93-575, (eff. Jan. 1, 2004), which may mitigate or aggravate the civil penalty amount. The People determined that a civil penalty of \$44,000 was appropriate.

The People and Quantum have satisfied Section 103.302. 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. Quantum Color Graphics, L.L.C. (Quantum) must pay a civil penalty of \$44,000 on or before December 4, 2006, the first business day following 30 days from the date of this order.
3. Quantum must pay \$31,275 by certified check, money order or electronic funds transfer, payable to the Environmental Protection Trust Fund. The case number, case name, and respondents' federal employer identification or social security numbers must be included on the certified check or money order. If submitting an electronic funds transfer to the Agency, the electronic funds transfer must be made in accordance to the specific instructions provided to respondents.
4. Quantum must pay \$12,725 by certified check, money order or electronic funds transfer, payable to the Illinois Environmental Protection Agency, designated to the Environmental Inspection and Permit Fund. The case number, case name, and respondents' federal employer identification or social security numbers must be included on the certified check or money order. If submitting an electronic funds transfer to the Agency, the electronic funds transfer must be made in accordance to the specific instructions provided to respondents.

5. Quantum must submit the certified checks, money orders or electronic funds transfers to:

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

6. A copy of the certified checks, money orders or record of the electronic funds transfers and any transmittal letters must be sent to the following:

Katherine M. Hausrath
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

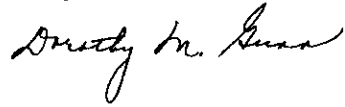
Maureen Wozniak
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

7. 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).
8. Quantum 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 order on November 2, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board