ILLINOIS POLLUTION CONTROL BOARD March 5, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
v.)	PCB 08-11
••)	(Enforcement - Air)
PLASTIC CAPACITORS, INC., an Illinois)	,
corporation,)	
)	
Respondent.)	

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

On July 30, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Plastic Capacitors, Inc. (Plastic Capacitors). The complaint concerns Plastic Capacitors' manufacturing facility located at 2623 North Pulaski Road in Chicago, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that Plastic Capacitors violated Sections 9(b) and 9.1(d)(1) and of the Act (415 ILCS 5/9(b), 9.1(d)(1) (2006)), 40 C.F.R. §§ 63.463(a)(2), (a)(7)(c), and (e)(2)(i), 40 C.F.R. §§ 63.468(f) and (h), and conditions 5(b), 7(a), 10(b), and 10(c) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) Source Permit No. 73100136. The People allege that Plastic Capacitors violated these provisions by operating a solvent cleaning machine above the solvent's boiling point, operating a degreaser without a carbon absorber, operating a degreaser below the required freeboard ratio, failing to submit annual reports, and failing to submit semi-annual exceedance reports.

On February 18, 2009, the People and Plastic Capacitors 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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).

¹ Section 9.1(d)(1) of the Act prohibits persons from violating any provisions of Section 111, 112, 165 or 173 of the federal Clean Air Act or federal regulations adopted thereunder. 415 ILCS 5/9.1(d)(1) (2006).

Under the proposed stipulation, the People contend that based on a July 17, 2007 inspection of the facility by the Illinois Environmental Protection Agency (Agency), Plastic capacitors has violated Sections 9(a), 9(b), and 9.1(d)(1) of the Act (415 ILCS 5/9(a), 9(b), 9.1(d)(1) (2006)), 40 C.F.R. §§ 63.463(a)(3), (a)(5), (b), (d)(8), (e), 40 C.F.R. § 63.467(b), conditions 5(c), 5(d), 7(a), 7(b), and 9(b) of the NESHAP Source Permit No. 73100136, and Section 201.302(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.302(a)). The People allege that Plastic Capacitors violated these provisions by operating the degreaser without the required freeboard ratio, failing to maintain records of the freeboard ratio and modifications thereto, failing to maintain records of air blanket temperature, failing to monitor air blanket temperature, failing to maintain records of hoist speed, failing to monitor hoist speed, operating the degreaser with excessive hoist speed, failing to use threaded or other leakproof couplings when transferring solvent to and from the degreaser, failing to equip the degreaser with a vapor level control device, and failing to submit annual emissions reports. Under the proposed stipulation, Plastic Capacitors does not affirmatively admit the violations alleged in the complaint or allegedly observed by the Agency on July 17, 2007, but agrees to pay a civil penalty of \$1,000.00.

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. See 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 5, 2009, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board

John T. Therian