## ILLINOIS POLLUTION CONTROL BOARD September 3, 2009

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)	PCB 06-144
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ORDER OF THE BOARD (by G. T. Girard):

On March 10, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Golden Bag Company (Golden Bag). The complaint concerns Golden Bag's plastic bag manufacturing facility at 290 Illinois Street, Dundee, Kane 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<sup>1</sup> (Act) (415 ILCS 5 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Golden Bag 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 35 Ill. Adm. Code 201.141, 201.143, 201.302(a), 201.402, 201.404(c) and (e), 203.201, 218.401(a) and (c), 254.132(a), and 54.137(a). The People further allege that Golden Bag Company violated these provisions by (1) causing, threatening, or allowing air pollution; (2) failing to obtain a construction permit before construction of a new emission source; (3) failing to obtain an operating permit for a new emission source; (4) operating a major source of air pollutants without a Clean Air Act Permit Program (CAAPP) permit; (5) failing to comply with new source review (NSR) requirements; (6) failing to complete and submit accurate annual emissions reports to the Agency; (7) failing to demonstrate compliance with the standards applicable to flexographic printing operations; and (8) failing to certify compliance and collect records.

On August 21, 2009, the People and Golden Bag 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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

<sup>&</sup>lt;sup>1</sup> All citations to the Act will be to the 2008 compiled statutes because the provisions at issue have not been substantively amended in the 2008 compiled statutes.

public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Golden Bag neither admits nor denies the alleged violation[s] and agrees to pay a civil penalty of \$20,000, \$3,200 of which has already been tendered to the Illinois Environmental Protection Agency Permit and Inspection Fund.

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) (2008); 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 September 3, 2009, by a vote of 4-0.

phu T. Therian

John Therriault, Assistant Clerk Illinois Pollution Control Board