## ILLINOIS POLLUTION CONTROL BOARD August 19, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 10-77
AVANTE, LLC, an Illinois limited liability	)	(Enforcement)
company,	)	
Respondent.	)	

## ORDER OF THE BOARD (by G.L. Blankenship):

On April 6, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Avante, LLC (Avante). The complaint concerns Avante's lithographic printing business at 865 North Ellsworth Avenue, Villa Park, DuPage County (Villa Park Facility) and Avante's lithographic printing business at 1228 West Capital Drive, Addison, DuPage County (Addison Facility). 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 Avante violated Sections 9(a), 9(b), 9.12(a), and (j) of the Act (415 ILCS 5/9(a), 9(b), 9.12(a), and (j) (2008)) and Sections 201.142, 201.143, 201.302(a), 212.309(a), 218.411(a)(1), and (2), and 254.132(a) of the Board's Air Pollution Regulations (35 Ill. Adm. Code 201.142, 201.143, 201.302(a), 212.309(a), 218.411(a)(1), and (2), and 254.132(a)). According to the complaint, Avante violated these provisions by: (1) failing to obtain the requisite construction permits for either facility; (2) failing to obtain the requisite operating permits for either facility; (3) failing to demonstrate compliance or exemption to the Board's requirements for lithographic printing; (4) failing to comply with reporting and recordkeeping requirements; (5) failing to submit timely and complete annual emissions reports; (6) failing to implement a plan to control fugitive emissions; and (7) failing to pay air pollution construction fees.

On August 3, 2010, the People and Avante 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). Under the proposed stipulation, Avante does not

affirmatively admit the alleged violations but agrees to pay a civil penalty of \$10,000.00, \$800.00 of which represents avoided construction and operating permit fees.

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 August 19, 2010, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board