

ILLINOIS POLLUTION CONTROL BOARD
August 18, 2011

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 11-102 |
| |) | (Enforcement - Air) |
| VICTOR ENVELOPE COMPANY, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER OF THE BOARD (by G. T. Girard):

On June 23, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Victor Envelope Company (Victor). The complaint concerns Victor’s envelope manufacturing facility located at 301 Arthur Court, Bensenville, DuPage County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the parties’ stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Victor violated Sections 9(a), 9(b), 39.5(6)(b), 9.12(a) and 9.12(j) of the Act (415 ILCS 5/9(a), (b), 39.5(6)(b), 9.12(a) and (j) (2010)). The People also allege that Victor violated Sections 201.142, 203.201, 201.302(a), 254.132(a), 218.404(b)(1) and (c)(1), 218.411(a), (c) and (d), and 212.309 of the Board’s air pollution regulations (35 Ill. Adm. Code 201.142, 203.201, 201.302(a), 254.132(a), 218.404(b)(1) and (c)(1), 218.411(a), (c), and (d), and 212.309).

According to the complaint, Victor violated these regulations by: 1) constructing an emission source without a permit, 2) failing to obtain a Clean Air Act Permit Program permit, 3) failing to comply with New Source review requirements, 4) failing to submit annual emissions reports, 5) failing to demonstrate compliance with flexographic printing regulations, 6) failing to demonstrate compliance with lithographic printing regulations, 7) failing to submit Fugitive Dust Plan, and 8) failing to pay construction permit fees.

On June 23, 2011, the People and Victor 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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. The newspaper notice was published in the *Addison/Bensenville/Wood Dale Press/Villa Park Review* on July 15, 2011. 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) (2010); 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. *See* 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 Victor's 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) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Victor does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Victor agrees to pay a civil penalty of \$60,000. The People and Victor 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. Victor must pay a total civil penalty of \$60,000 no later than September 19, 2011, which is the first business day following the 30th day after the date of this order. Victor must pay \$35,025 by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Permit and Inspection Fund. Victor must pay the remaining payment of \$24,975 by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and Victor's federal tax identification number must appear on the face of the certified check or money order.
3. Victor must submit payment of the civil penalty to:

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

Victor must send a copy of each certified check or money order and any transmittal letter to:

Jennifer A. Van Wie
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. Victor must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

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) (2010); *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, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 18, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board