ILLINOIS POLLUTION CONTROL BOARD December 20, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 13-26
)	(Enforcement - Air)
BAG MAKERS, INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.A. Holbrook):

On December 14, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Bag Makers, Inc (Bag Makers). The complaint concerns Bag Makers' packaging printing plant located at 6606 S. Union Rd., Union, McHenry 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 complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Bag Makers violated Sections 9(a), 9(b), 9.12(j), and 39.5(6)(b) of the Act (415 ILCS 5/9(a), 9(b), 9.12(j), 39.5(6)(b) (2010); Sections 201.142, 201.302(a), and 205.300 of the Board's air pollution regulations (35 Ill. Adm. Code 201.142, 201.302(a), 205.300); Sections 254.132(a) and 254.132(b) of air pollution regulations adopted by the Illinois Environmental Protection Agency (Agency) (35 Ill. Adm. Code 254.132(a), 254.132(b)); Condition 6b of its Bag Makers' December 20, 2007, Revised Federally Enforceable State Operating Permit (FESOP), Condition 6b of its construction permit, and Condition 6b of its April 27, 2009, Revised FESOP; and violated the Board order issued January 5, 2006, in People v. Bag Makers, Inc. (PCB 05-192) (Section VIII.B of Stipulation).

The People allege that Bag Makers committed these alleged violations by operating a Clean Air Act Permit Program (CAAPP) source without a CAAPP permit; violating conditions of its construction permit and revised FESOPs; modifying existing emission sources prior to obtaining a construction permit from the Agency; failing to timely pay air pollution construction permit fees; failing to completely and accurately report annual emissions from its silk screen printing presses in its Annual Emission Reports (AERs) from 2006 until December 15, 2011; failing to completely and accurately report seasonal allotment period emissions in its Seasonal Emission Reports (SERs) from 2006 until December 15, 2011; and by failing to timely renew its FESOP and obtain a construction permit for VOM usage and emission exceedances.

The People ask the Board to order Bag Makers to apply for and obtain all requisite CAAPP permits for the facility in the future; comply with the volatile organic material (VOM) usage and emission limitations in its Renewal FESOP; timely apply for and obtain all requisite construction permits for the facility in the future; timely pay any requisite air pollution construction permit fees for the facility in the future; completely and accurately submit AERs to the Agency for the facility in the future; and completely and accurately submit SERs to the Agency for the facility in the future. The People also ask the Board to assess civil penalties of \$50,000 per violation and \$10,000 for each day during which a violation continued, and to tax costs including attorney, expert witness, and consultant fees expended in pursuit of this action against Bag Makers.

The Board finds that the complaint meets the content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On December 14, 2012, simultaneously with the People's complaint, the People and Bag Makers 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 has 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, Bag Makers neither admits or denies_the alleged violations and agrees to pay a civil penalty of \$30,000.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 20, 2012 by a vote of 5-0.

John T. Therriault, Assistant Clerk

Illinois Pollution Control Board