

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	PCB 08-
Complainant,)	
)	(Enforcement - Air)
vs.)	
)	
PLASTIC CAPACITORS, INC.,)	
an Illinois corporation,)	<u>VIA ELECTRONIC FILING</u>
)	
Respondent.)	

NOTICE OF FILING

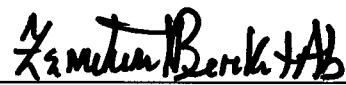
TO: Kenneth W. Funk	Clerk
Deutsch, Levy & Engel	Illinois Pollution Control Board
225 West Washington Street	James R. Thompson Center
Chicago, Illinois 60606	100 W. Randolph Street, Suite 11-500
	Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of the Complaint, Notice of Filing and a Certificate of Service, a copy of which is attached herewith and served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY: 
 ZEMEHERET BEREKET-AB
 Assistant Attorney General
 Environmental Bureau North
 69 West Washington Street, Suite 1800
 Chicago, IL 60602
 (312) 814-3816

DATE: July 30, 2007

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
LISA MADIGAN, Attorney General of the)
State of Illinois,)
)
Complainant,)
)
v.) PCB No.
) (Enforcement - Air)
)
PLASTIC CAPACITORS, INC., an Illinois)
corporation,)
)
Respondent.)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, PLASTIC CAPACITORS, INC., an Illinois corporation, as follows:

COUNT I

**OPERATION OF SOLVENT CLEANING MACHINE
ABOVE THE SOLVENT'S BOILING POINT**

1. This Complaint is brought by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2004).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2004), and charged, *inter alia*, with the duty of the enforcing the Act.

3. Respondent, Plastic Capacitors, Inc. ("Plastic Capacitors"), is an Illinois Domestic Corporation in good standing incorporated in the State of Illinois on July 11, 1952.

4. Plastic Capacitors operates a manufacturing facility located at 2623 North Pulaski Road, Chicago, Cook County, Illinois ("Facility").

5. Emission units at the Facility include a batch vapor degreaser ("degreaser #1") and a cold cleaning degreaser ("degreaser #2").

6. On October 31, 2001, the Illinois EPA issued to Plastic Capacitors Lifetime Operating Permit Solvent Cleaning Machine- NESHAP Source Permit No. 73100136.

7. On July 29, 2005, and May 3, 2006, the Illinois EPA inspected the Facility and observed various violations of the Act, 40 Code of Federal Regulations Part 63 ("40 CFR") and various operating conditions of Permit No. 73100136.

8. Engineering calculations provided to the Illinois EPA by Plastic Capacitors at the time of the inspections showed that degreaser #1 was being operated at 87°F greater than the allowed 56.7°F and greater than 30 percent of the solvent's boiling point.

9. Operating degreaser #1 with an air blanket temperature greater than 56.7°F and greater than 30 percent of the solvent's boiling point is a violation of 40 CFR 63.463(e)(2)(i) and Condition 7(a) of lifetime operating permit no. 73100136.

10. Section 9(b) of the Act, 415 ILCS 9(b)(2004), titled, Acts prohibited, provides as follows:

No person shall:

- (b) Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit;

11. Section 9.1(d)(1) of the Act provides:

No person shall:

- (1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto; or

12. 40 CFR 63.463(e)(2)(i), titled, Batch vapor and in-line cleaning machine

standards, provides as follows:

Each owner or operator of a solvent cleaning machine complying with paragraph (b), (c), (g), or (h) of this section shall comply with the requirements specified in paragraphs (e)(1) through (4) of this section.

- (2) Determine during each monitoring period whether each control device used to comply with these standards meets the requirements specified in paragraphs (e)(2)(i) through (xi) of this section.

- (i) If a freeboard refrigeration device is used to comply with these standards, the owner or operator shall ensure that the chilled air blanket temperature (in °F), measured at the center of the air blanket, is no greater than 30 percent of the solvent's boiling point.

13. Condition 7(a) of lifetime operating permit no. 73100136 provides as follows:

Each machine must meet the following control combination (freeboard ratio of 1.0 and freeboard refrigeration device) requirements, pursuant to 40 CFR Part 63.463:

- a. For Freeboard Refrigeration Device (FRD), chilled air blanket temperature at the center of the air blanket shall not exceed 56.7°F while using trichloroethylene respectively.

14. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), provides as follows:

“PERSON” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent, or assigns.

15. Plastic Capacitors, Inc., is a person as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2004).

16. Plastic Capacitors' degreaser #1 is equipped with a freeboard refrigeration device and uses trichloroethylene as a solvent.

17. By violating 40 CFR 63.463(e)(2)(i) and Condition 7(a) of operating permit #73100136, Respondent also violated Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Sections 9.1(d)(1) and 9(b) of the Act and 40 CFR 63.463(e)(2)(i) and Condition 7(a) of operating permit #73100136;

3. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day during which violation of the Act continues;

4. Ordering Respondent to pay all costs pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action, and;

5. Granting such other relief as the Board deems appropriate.

COUNT II

**FAILURE TO OPERATE DEGREASER #1
WITHOUT A CARBON ABSORBER**

1-10. Complainant realleges and incorporates by reference herein, paragraphs 1 through 7 and paragraphs 11, 14 and 15 of Count I as paragraphs 1 through 10 of this Count II.

11. 40 CFR 63.463(a)(7), titled, Batch vapor and in-line cleaning machine standards, provides as follows:

Except as provided in §63.464 for all cleaning machines, each owner or operator of a solvent cleaning machine subject to the provisions of this subpart shall ensure that each existing or new batch vapor or in-line solvent cleaning machine subject to the provisions of this subpart conforms to the design requirements specified in paragraphs (a)(1) through (7) of this section.

(7) Each cleaning machine that uses a lip exhaust shall be designed and operated to route all collected solvent vapors through a properly operated and maintained carbon absorber that meets the requirements of paragraph (e)(2)(vii) of this section.

12. Respondent's degreaser #1 is equipped with a lip exhaust. Pursuant to 40 CFR 63.463(a)(7), each degreaser with a lip exhaust must have a properly operated and maintained carbon absorber.

13. At the time of the inspection and continuing to the date of filing of this Complaint, Respondent was operating degreaser #1 without a carbon absorber.

14. By operating degreaser #1 without a carbon absorber, Respondent violated 40 CFR 63.463(a)(7) and thereby, also violated Section 9.1(d)(1) of the Act, 415 ILCS 9.1(d)(1)(2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count II.

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9.1(d)(1) of the Act and 40 CFR 63.463(a)(7);
3. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day during which each violation of the Act continues;
4. Ordering Respondent to pay all costs pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
5. Granting such other relief as the Board deems appropriate and just.

COUNT III

**OPERATING DEGREASER #1 BELOW THE
REQUIRED FREEBOARD RATIO**

- 1-12. Complainant realleges and incorporates by reference herein, paragraphs 1 through 8 and paragraphs 10, 11, 14 and 15 of Count I as paragraphs 1 through 12 of this Count III.
13. 40 CFR 63.463(a)(2), titled, Batch vapor and in-line cleaning machine standards, provides as follows:

Except as provided in §63.464 for all cleaning machines, each owner or operator of a solvent cleaning machine subject to the provisions of this subpart shall ensure that each existing or new batch vapor or in-line solvent cleaning machine subject to the provisions of this subpart conforms to the design requirements specified in paragraphs (a)(1) through (7) of this section.

(2) Each cleaning machine shall have a freeboard ratio of 0.75 or greater.

14. Condition 5(b) of Respondent's lifetime operating permit number 73100136

provides as follows:

Each solvent cleaning machine must meet the following base design requirements, pursuant to 40 CFR, Part 63.463.

b. A freeboard ration of 0.75 or greater must be maintained for each solvent cleaning machine.

15. During the inspection of the Facility, the Illinois EPA calculated the freeboard ratio of degreaser #1 using data supplied by Respondent.

16. The Illinois EPA calculations show that degreaser #1 has a freeboard ratio of 0.617 well below the freeboard ratio of 0.75 required by 40 CFR 63.463(a)(2) and operating permit condition 5(b) of permit number 73100136.

17. By operating degreaser #1 with a freeboard ration below 0.75, Respondent violated 40 CFR 63.463(a)(2) and operating condition 5(b) of operating permit number 73100136 and thereby also violated Sections 9(b) and 9.1(d)(1) of the Act, 915 ILCS 5/9(b) and 9.1(d)(1) (2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count III:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(b) and 9.1(d)(1) of the Act and 40 CFR 63.463(a) (2) and operating permit condition 5(b);
3. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day of violation;
4. Ordering Respondent to pay all costs pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
5. Granting such other relief as the Board deems appropriate and just.

COUNT IV

FAILURE TO SUBMIT ANNUAL REPORTS

- 1-12. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 12 of Count III as paragraphs 1 through 12 of this Count IV.
13. 40 CFR 63.468(f), titled, Reporting requirements, provides as follows:

Each owner or operator of a batch vapor or in-line solvent cleaning machine complying with the provisions of §63.463 shall submit an annual report by February 1 of the year following the one for which the reporting is being made. This report shall include the requirements specified in paragraphs (f)(1) through (f)(3) of this section.
14. Condition 10(b) of Respondent's lifetime operating number 73100136 provides as follows:

An annual compliance report must be submitted by February 1, of the year following the year the report covers.

15. From at least 2001, and continuing to the date of the filing of this Complaint, Respondent failed to submit annual reports to the Illinois EPA for the degreasers it employs at the Facility.

16. By failing to submit annual reports for the degreasers in use at the Facility, Respondent violated 40 CFR 63.468(f) and operating permit condition 10(b) of operating permit number 73100136.

17. By violating 40 CFR 63.468(f) and condition 10(b) of operating permit number 73100136, Respondent also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1)(2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count IV:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(b) and 9.1(d)(1) of the Act and 40 CFR 63.468(f) and operating permit condition 10(b) of operating permit #73100136;
3. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

4. Ordering Respondent to pay all costs pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as the Board deems appropriate and just.

COUNT V

FAILURE TO SUBMIT SEMI-ANNUAL EXCEEDANCE REPORTS

1-12. Complainant realleges and incorporates by reference herein, paragraphs 1 through 12 of Count IV as paragraphs 1 through 12 of this Count V.

13. 40 CFR 63.468(h) titled, Reporting requirements, provides as follows:

Each owner or operator of a batch vapor or in-line solvent cleaning machine shall submit an exceedance report to the Administrator semi-annually except when, the Administrator determines on case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source or, an exceedance occurs. Once an exceedance has occurred the owner or operator shall follow a quarterly reporting format until a request to reduce reporting frequency under paragraph (i) of this section is approved. Exceedance reports shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. The exceedance report shall include the applicable information in paragraphs (h)(1) through (3) of this section.

- (1) Information on the actions taken to comply with §63.463(e) and (f). This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels.
- (2) If an exceedance has occurred, the reason for the exceedance and a description of the actions taken.
- (3) If no exceedances of a parameter have occurred, or a piece of equipment has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

14. Condition 10(c) of Respondent's lifetime operating permit number 73100136 provides as follows:

An exceedance report shall be submitted every 6 months if there is not an exceedance, and every 3 months if there is an exceedance. If an exceedance did not occur the report would consist of a statement certifying that there were no exceedance.

15. From at least 2001, and continuing to the date of the filing of this Complaint, Respondent has not submitted semi-annual exceedance reports to the Illinois EPA for degreaser #1.

16. By failing to submit semi-annual exceedance reports to the Illinois EPA, Respondent violated 40 CFR 63.468(h) and operating permit condition 10(c) of permit number 73100136 and thereby, also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1)(2004).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count VI:

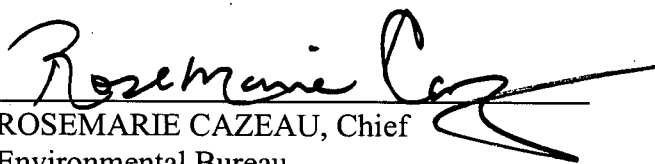
1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(b) and 9.1(d)(1) of the Act and 40 CFR 63.468(h) and operating permit condition 10(c);
3. Assessing a civil penalty against Respondent in the amount of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;

4. Ordering Respondent to pay all costs pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
5. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN, Attorney General
State of Illinois

MATTHEW J. DUNN, Chief,
Environmental Enforcement/
Asbestos Litigation Division

By:



ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

ZEMEHERET BEREKET-AB
Assistant Attorney General
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(312) 814-3816
(312) 814-2347 - fax

CERTIFICATE OF SERVICE

I, ZEMEHERET BEREKET-AB, an Assistant Attorney General, do certify that I caused to be served on this 30th day of July, 2007, the foregoing Notice of Filing, and a Complaint, upon the person listed on said Notice by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois.



ZEMEHERET BEREKET-AB