

ILLINOIS POLLUTION CONTROL BOARD
April 2, 2009

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 08-11
) (Enforcement - Air)
PLASTIC CAPACITORS, an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On July 30, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Plastic Capacitors, Inc. (Plastic Capacitors). The complaint concerns Plastic Capacitors' manufacturing facility located at 2653 North Pulaski Road in Chicago, Cook County. The parties now seek to settle 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 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People's complaint alleges that Plastic Capacitors violated Sections 9(b) and 9.1(d)(1) of the Act (415 ILCS 5/9(b), 9.1(d)(1) (2006)), 40 C.F.R. §§ 63.463(a)(2), (a)(7)(c), and (e)(2)(i), 40 C.F.R. §§ 63.468(f) and (h), and conditions 5(b), 7(a), 10(b), and 10(c) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) Source Permit No. 73100136.¹ The People allege that Plastic Capacitors violated these provisions by operating a solvent cleaning machine above the solvent's boiling point, operating a degreaser without a carbon absorber, operating a degreaser below the required freeboard ratio, failing to submit annual reports, and failing to submit semi-annual exceedance reports.

On February 18, 2009, the People and Plastic Capacitors filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (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)). *See* 35 Ill. Adm. Code 103.300(a).

Under the proposed stipulation, the People contend that based on a July 17, 2007 inspection of the facility by the Illinois Environmental Protection Agency (Agency), Plastic

¹ Section 9.1(d)(1) of the Act prohibits persons from violating any provisions of Section 111, 112, 165, or 173 of the federal Clean Air Act or federal regulations adopted thereunder. 415 ILCS 5/9.1(d)(1) (2006).

Capacitors has violated Sections 9(a), 9(b), and 9.1(d)(1) of the Act (415 ILCS 5/9(a), 9(b), 9.1(d)(1) (2006)), 40 C.F.R. §§ 63.463(a)(3), (a)(5), (b), (d)(8), (e), 40 C.F.R. § 63.467(b), conditions 5(c), 5(d), 7(a), 7(b), and 9(b) of the NESHAP Source Permit No. 73100136, and Section 201.302(a) of the Board's air pollution regulations (35 Ill. Adm. Code 201.302(a)). The People allege that Plastic Capacitors violated these provisions by operating the degreaser without the required freeboard ratio, failing to maintain records of the freeboard ratio and modifications thereto, failing to maintain records of air blanket temperature, failing to monitor air blanket temperature, failing to maintain records of hoist speed, failing to monitor hoist speed, operating the degreaser with excessive hoist speed, failing to use threaded or other leakproof couplings when transferring solvent to and from the degreaser, failing to equip the degreaser with a vapor level control device, and failing to submit annual emissions reports.

The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Chicago Sun-Times* on February 23, 2009. 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) (2006); 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. 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 Plastic Capacitors' 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) (2006)). The People and Plastic Capacitors have satisfied Section 103.302. Plastic Capacitors does not affirmatively admit the violations alleged in the complaint or allegedly observed by the Agency on July 17, 2007, but agrees to pay a civil penalty of \$1,000. 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. Plastic Capacitors must pay a civil penalty of \$1,000 no later than May 4, 2009, which is the first business day following the 30th day after the date of this order. Plastic Capacitors must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Plastic Capacitors' federal tax identification number must appear on the face of the certified check or money order.
3. Plastic Capacitors must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Plastic Capacitors must send a copy of the certified check or money order and any transmittal letter to:

Andrew Armstrong
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60601

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).
5. Plastic Capacitors must cease and desist from future violations of the Act and applicable regulations that were the subject of the complaint and that were observed by the Agency during its July 17, 2007 inspection of the facility, and that are referenced within Section I.B. of the stipulation and proposal for settlement.

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) (2006); *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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 2, 2009, by a vote of 5-0.



John Therriault, Clerk
Illinois Pollution Control Board