

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,                    )  
  )  
  ) Complainant, )  
  )  
  ) v.                    ) No. PCB 15 -  
  )  
GOLD STANDARD BAKING, INC., an                    )  
Illinois corporation,                                    )  
  )  
  ) Respondent.        )

**NOTICE OF ELECTRONIC FILING**

TO: Mark Grosshans  
Gold Standard Baking  
3700 S. Kedzie Avenue  
Chicago, IL 60632

PLEASE TAKE NOTICE that today, DECEMBER 11, 2014, I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint a true and correct copy of which is attached and hereby served upon you.

Pursuant to 35 Ill. Adm. Code 103.204(f), I am required to state that failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

**NOTIFICATION**

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act (20 ILCS 3515/1 *et seq.*) to correct the alleged pollution.

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

BY:

  
\_\_\_\_\_  
NANCY J. TIKALSKY  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-8567

Date: DECEMBER 11, 2014

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**CERTIFICATE OF SERVICE**

I, Nancy J. Tikalsky, an Assistant Attorney General, do certify that a true and correct copy of the Complaint and Notice of Filing were sent by certified mail with return receipt requested to the persons listed on the Notice of Filing on DECEMBER 11, 2014.

BY:   
NANCY J. TIKALSKY

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	No. PCB 15 -
	)	
GOLD STANDARD BAKING, INC., an	)	
Illinois corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, GOLD STANDARD BAKERY, INC., as follows:

**COUNT I**

**OPERATING AN AIR POLLUTION SOURCE  
WITHOUT A PERMIT**

1. This count is brought on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, against Respondent, Gold Standard Bakery, Inc., on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2012), and is an action for civil penalties.

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2012), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this complaint, Respondent, Gold Standard Bakery, Inc. ("GSB"), has been and is an Illinois corporation, duly authorized to do business in the State of Illinois.

4. At all times relevant to this complaint, Respondent, GSB, owns and operates a bakery located at 3700 South Kedzie Avenue, Chicago, Cook County, Illinois ("Facility").

5. The action of yeast in the pastry making process at the Facility produces ethanol, which is a gaseous matter and a volatile organic material ("VOM").

6. On August 21, 1998, GSB submitted its initial application for a Federally Enforceable State Operating Permit ("FESOP") to the Illinois EPA pursuant to the Clean Air Act Permit Program ("CAAPP").

7. On July 28, 2000, the Illinois EPA issued GSB a renewed Federally Enforceable State Operating Permit No. 96020074 ("GSB FESOP") with an expiration date of July 28, 2005, for control of its VOM air emissions from baking ovens at the Facility. GSB FESOP sets VOM emission limits at 24.4 tons per year ("tpy").

8. At all times, the Facility had the potential to emit ("PTE") greater than 25 tons per year, the threshold for a major source at the time the Facility was constructed.

9. On November 7, 2008, the Illinois EPA issued a renewed GSB FESOP with an expiration date of November 7, 2013, for control of VOM air emissions from 2 direct-fired tunnel baking ovens at its Facility ("2008 GSB FESOP"). The 2008 GSB FESOP sets VOM limits to 24.4 tpy.

10. On May 6, 2013, GSB submitted a FESOP renewal application to the Illinois EPA for 4 Emissions Units ("2013 GSB FESOP"). The 2013 GSB FESOP identified the 2 direct-fired tunnel baking ovens and the 2 additional direct-fired tunnel baking ovens as the 4 direct-fired tunnel baking ovens at the Facility.

11. On May 10, 2013, Illinois EPA conducted an inspection at the Facility ("May 2013 Inspection"). During the May 2013 Inspection, the Illinois EPA found 4 direct-fired tunnel baking ovens operating at the Facility.

12. On information and belief, between 2008 and 2012, or dates better known to Respondent, GSB installed 2 additional direct-fired tunnel baking ovens at the Facility without a construction permit issued by the Illinois EPA.

13. On information and belief, between 2008 and 2012, or dates better known to the Respondent, GSB began operating the 2 newly-installed direct-fired tunnel baking ovens at the Facility without obtaining a revised FESOP issued by the Illinois EPA.

14. GSB's operation of the Facility is subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and the Illinois EPA. The Board's regulations for air pollution are found in Title 35, Subtitle B, Chapter I of the Illinois Administrative Code ("Board Air Pollution Regulations"); the Illinois EPA's regulations for air pollution are found in Title 35, Subtitle B, Chapter II of the Illinois Administrative Code ("Illinois EPA Air Pollution Regulations").

15. Section 9(b) of the Act, 415 ILCS 5/9 (b) (2012), 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, (1) without a permit granted by the Agency, or (2) in violation of any conditions imposed by such permit;

16. Sections 3.315 of the Act, 415 ILCS 5/3.315 (2012), respectively, provide 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.

17. Section 3.165 of the Act, 415 ILCS 5/ 3.165 (2012), provide as follows:

"CONTAMINANT" is any solid, liquid, gaseous matter, any odor, or any form of energy, from whatever source.

18. GSB is a "person" as that term is defined in Sections 3.315 of the Act, 415 ILCS 5/3.315(2012).

19. VOM is "contaminant" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165(2012).

20. Section 3.115 of the Act, 415 ILCS 5/3.115 (2012), provides as follows:

"AIR POLLUTION" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

21. Section 39.5(5)(x) of the Act, 415 ILCS 5/39.5(5)(x), provides as follows:

The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with this subsection within 12 months after commencing operation of such source. The owner or operator of an existing source that has been excluded from the provisions of this Section under subsection 1.1 or paragraph (c) of subsection 3 of this Section and that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP application consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

22. Section 39.5 (1.1)(a) of the Act, Exclusion from the CAAPP, 415 ILCS 5/39.5(1.1)(a), provides as follows:

a. An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date that the CAAPP application for the source is due but in no case later than 9 months after the effective date of the CAAPP through the imposition of federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph(c) of subsection 2 of this Section, within a State operating permit issued pursuant to subsection (a) of Section 39 of this Act. After such date, an exclusion from the CAAPP may be sought under paragraph(c) of subsection 3 of this Section.

23. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2012), provides as follows:

#### Prohibition

After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such a source has been timely submitted to the Agency.

24. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2012), provides, in pertinent part, as follows:

#### Applicability

a. Sources subject to this Section shall include:

i. Any major source as defined in paragraph (c) of this subsection.

\* \* \*

c. For purposes of this Section the term "major source" means any source that is:

\* \* \*

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tons or more per year in areas classified as "serious", 25 tons or more per year in areas classified as "severe", and 10 tons or more per year in areas classified as "extreme"; . . . .

\* \* \*

25. Section 203.127 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.127, provides the following definition:

Nonattainment Area

An area designated by USEPA as nonattainment for a given pollutant pursuant to Section 107 of the Clean Air Act.

26. Prior to June 2005, Cook County was designated by the USEPA as a severe nonattainment area for ozone, as that term is defined in Section 203.127 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.127.

27. GSB's FESOP was issued in 2000 while Cook County was designated as a severe nonattainment area for ozone.

28. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2012), provides the following definitions:

"OWNER OR OPERATOR" means any person who owns, leases, operates, controls, or supervises a stationary source.

"POTENTIAL TO EMIT" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"CAAPP" means the Clean Air Act Permit Program developed pursuant to Title V of the Clean Air Act.

"CAAPP PERMIT"... means any permit issued, renewed, amended, modified, or revised pursuant to Title V of the Clean Air Act.

"CAAPP SOURCE" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"SOURCE" means any stationary source (or any group of stationary Sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping....

"STATIONARY SOURCE" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant . . . .

"REGULATED AIR POLLUTANT" means the following:

1. . . . any volatile organic compound.

\* \* \*

29. The direct-fired tunnel baking ovens emitted VOM, a "regulated air pollutant" as defined by Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2012).

30. The Facility has been and is a "stationary source" and, therefore, a "source" and "CAAPP source" as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2012).

31. Respondent is an “owner or operator” that must obtain a “CAAPP permit” as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2012).

32. The Facility is a “major stationary source” as that term is defined in Section 39.5(2) of the Act, 415 ILCS 5/39.5(2)(2012).

33. Because the Facility emits, or is capable of emitting, VOM, a contaminant, to the atmosphere of a severe nonattainment area for ozone, it is capable of causing or contributing to “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2012).

34. GSB, a “major stationary source” since 2000, was required to submit a CAAPP permit application to the Illinois EPA no later than 180 days prior to operating the 2 additional direct-fired tunnel baking ovens constructed at its Facility between 2008 and 2012.

35. From 2008 through at least May 6, 2013, on a date or dates better known to Respondent, by failing to submit a CAAPP permit application or application for a revised FESOP to the Illinois EPA for its change in operation when it began operating 2 newly constructed direct-fired tunnel baking ovens, GSB violated Sections 9(b) and 39.5(5)(x) of the Act, 415 ILCS 5/9(b) and 39.5(5)(x), thereby violating Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012).

WHEREFORE, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, GOLD STANDARD BAKERY, INC., for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Sections 9(b), 39.5(5)(x) and 39.5(6)(b) of the Act, 415 ILCS 5/ 9(b), 39.5(5)(x) and 39.5(6)(b) (2012);

3. Order Respondent to cease and desist from any further violations of Sections 9(b), 39.5(5)(x) and 39.5(6)(b) of the Act, 415 ILCS 5/ 9(b), 39.5(5)(x) and 39.5(6)(b) (2012);

4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Grant such other relief as the Board deems appropriate and just.

## COUNT II

### CONSTRUCTING AN AIR EMISSION SOURCE WITHOUT A PERMIT

1-30. Complainant realleges and incorporates by reference herein paragraphs 1 through 20, and 24 through 33 of Count I, as paragraphs 1 through 30 of this Count II.

31. Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

32. Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

201.142, provides as follows:

Construction Permit Required

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Sections 201.146 or Section 201.170(b) of this Part.

33. Section 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

203.201, provides, in pertinent part, as follows:

Prohibition

In any nonattainment area, no person shall cause or allow the construction of a new major stationary source or major modification that is major for the pollutant for which the area is designated a nonattainment area, except as in compliance with this Part for that pollutant.

34. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

201.102, provides the following definitions:

"PERSON" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

"CONSTRUCTION": commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.

"EMISSION SOURCE": any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"NEW EMISSION SOURCE": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"SPECIFIED AIR CONTAMINANT": any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

35. GSB is a "person" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

36. VOM is a "specified air contaminant" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

37. The direct-fired tunnel baking ovens are "emission sources" and "new emission sources" as those terms are defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

38. The installation of at least 2 emission sources between 2008 and 2012 is "construction" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

39. Section 203.206 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.206, provides the following definition:

"MAJOR STATIONARY SOURCE"

(a) For purposes of this Part, the term "major stationary source" shall exclusively mean "building, structure and facility," as those terms are defined in Section 203.113 [sic]<sup>1</sup> of this Part.

(b) The following constitute a major stationary source:

(1) For an area designated as nonattainment for ozone, a major stationary source is a stationary source which emits or has the potential to emit volatile organic material in an amount equal to or greater than the following:

\* \* \*

(C) 25 tons per year in an area classified as severe nonattainment for ozone;

\* \* \*

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<sup>1</sup> Section 203.113 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.113 defines "commence" with no references to "building, structure and facility"; Section 203.112 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.112, defines "building, structure and facility."

40. Section 203.207 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

203.207, provides the following definition:

“MAJOR MODIFICATION OF A SOURCE”

a) Except as provided in subsection (c), (d), (e) or (f) below, a physical change, or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant for which the area is designated a nonattainment area, shall constitute a major modification of a source.

41. Sections 203.116, 203.104, 203.122, 203.112, 203.136, 203.128, 211.7150 and 211.6130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, 203.116, 203.104, 203.122, 203.112, 203.136, 203.128, 211.7150 and 211.6130, provide the following definitions, respectively:

"CONSTRUCTION" means any physical change or change in the method of operation, including but not limited to fabrication, erection, installation, demolition, or modification of an emissions source unit, which would result in a change in actual emissions.

"ACTUAL EMISSIONS" means the actual rate of annual emissions of a pollutant from an emissions unit as of a particular date. Actual emissions are equal to the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during the two-year period which immediately precedes the particular date or such other period which is determined by the Illinois Environmental Protection Agency (Agency) to be representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period; . . . .

"EMISSIONS UNIT" means any part of a stationary source which emits or has the potential to emit any air pollutant subject to regulation under the Act or this Chapter or by the United States Environmental Protection Agency under the Clean Air Act.

“BUILDING, STRUCTURE AND FACILITY” The terms “building”, “structure”, and “facility” include all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities

shall be considered as part of the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively) incorporated by reference in 35 Ill. Adm. Code 720.111.

"STATIONARY SOURCE" means any building, structure, facility or installation which emits or may emit any air pollutant subject to regulation under the Act or this Chapter or by USEPA under the Clean Air Act (42 U.S.C. 7401 *et seq.*).

"POTENTIAL TO EMIT" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"VOLATILE ORGANIC MATERIAL (VOM)" or "volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

"SOURCE" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control belong to the same Major Group ....

42. The direct-fired tunnel baking ovens at the Facility are "emissions units" as that term is defined in Section 203.122 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.122.

43. The installation of the 2 direct-fired tunnel baking ovens between 2008 and 2012 at the Facility and the resultant increase in actual emissions from less than 25 tpy of VOM prior to 2008 to more than 33 tpy of VOM is “construction” as that term is defined in Section 203.116 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.116.

44. The Facility wherein GSB’s operations emitted over 25 tpy of VOM during at least 2012 and 2013, and on a date or dates better known to Respondent, is a “building, structure and facility,” “stationary source,” “source” and a “major stationary source” as those terms are defined in Section 203.112, 203.136, 203.206 and 211.6130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.112, 203.136, 203.206 and 211.6130, respectively.

45. The construction of 2 new emissions sources between 2008 and 2012 at the Facility, or a date or dates better known to the Respondent, a major stationary source in a non-attainment area, that resulted in the significant increase in VOM is a “major modification of a source” as that term is defined in Section 203.207 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 203.207.

46. By constructing 2 emissions units at a major stationary source in a severe nonattainment area without a construction permit issued by the Illinois EPA, Respondent, GSB, violated Sections 201.142 and 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142 and 203.201, and thereby violated Sections 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2012).

WHEREFORE, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, GOLD STANDARD BAKERY, INC., for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Sections 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2012), and Sections 201.142 and 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142 and 203.201;
3. Order Respondent to cease and desist from any further violations of Sections 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2012), and Sections 201.142 and 203.201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142 and 203.201;
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Grant such other relief as the Board deems appropriate and just.

COUNT III

**FAILURE TO COMPLY WITH EMISSION REDUCTION  
MARKET SYSTEM REQUIREMENTS**

1-39. Complainant realleges and incorporates by reference herein paragraphs 1 through 31, 33, and 39 through 45 of Count II, as paragraphs 1 through 39 of this Count III.

40. On or about January and February 2014, or dates better known to the Respondent, GSB submitted calculations of the Facility's annual and seasonal VOM emissions for the years 2012 and 2013 to the Illinois EPA. The calculations indicated that in 2012 and 2013, the Facility's actual emissions of VOM were at least 33.37 tpy.

41. From each period of May 1, 2012 through September 30, 2012, and May 1, 2013 through September 30, 2013, GSB emitted greater than 10 tons of VOM emissions from its Facility.

42. From 2008 through December 2013, or a date or dates better known to Respondent, GSB did not submit an emission reduction market system ("ERMS") application for the Facility to the Illinois EPA.

43. Section 9.8(b) of the Act, 415 ILCS 5/9.8(b)(2012), provides as follows:

The Agency shall design an emissions market system that will assist the State in meeting applicable post-1996 provisions under the CAAA of 1990, provide maximum flexibility for designated sources that reduce emissions, and that takes into account the findings of the national ozone transport assessment, existing air quality conditions, and resultant emission levels necessary to achieve or maintain attainment.

44. Section 205.310 (a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310 (a), provides as follows:

a) The owner or operator of each participating source or new participating source shall submit to the Agency an ERMS application in accordance with the following schedule:

\* \* \*

3) For any source existing prior to May 1, 1999, that first becomes a participating source or new participating source due to a major modification subject to 35 Ill. Adm. Code 203 based on VOM emissions, at the time a construction permit application is submitted or due for the source or modification, whichever occurs first.

45. Section 205.130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.130, provides the following definitions:

"CAAPP" means the Clean Air Act Permit Program, pursuant to Section 39.5 of the Act [415 ILCS 5/39.5].

"Participating source" means a source operating prior to May 1, 1999, located in the Chicago area, that emits or has the potential to emit 25 tons per year or more of VOM or is required to obtain a CAAPP permit; and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999..

"SEASONAL ALLOTMENT PERIOD" means the period from May 1 through September 30 of each year.

"SEASONAL EMISSIONS" means actual VOM emissions at a source that occur during a seasonal allotment period.

46. GSB is a "participating source" as that term is defined in Section 205.130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.130.

47. As a participating source due to a major modification that increased its seasonal allotment period emissions of VOM, GSB was required to submit an ERMS application with its construction application sometime between 2008 and no later than 2012 on a date best known to GSB.

48. By failing to timely submit an ERMS application as required, the Respondent, GSB, violated Section 205.310(a)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310(a)(3), and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2012).

WHEREFORE, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, GOLD STANDARD BAKERY, INC., for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 205.310(a)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310(a)(3);
3. Order Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), and Section 205.310(a)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.310(a)(3);
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Grant such other relief as the Board deems appropriate and just.

COUNT IV

**FAILURE TO SUBMIT COMPLETE AND ACCURATE  
SEASONAL EMISSIONS REPORTS**

1-38. Complainant realleges and incorporates by reference herein paragraphs 1 through 31 of Count II, and paragraphs 40 through 42, and 44 through 47 of Count III, as paragraphs 1 through 38 of this Count IV.

39. Section 254.132(b) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(b), provides as follows:

a.) Failure to file a complete Seasonal Emissions Report by the applicable deadlines prescribed in Section 254.137(b) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 205.300.

40. Section 205.300(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(a), provides as follows:

a.) For each year in which the source is operational, the owner or operator of each participating source and new participating source shall submit, as a component of its Annual Emissions Report, seasonal emissions information to the Agency for each seasonal allotment period after the effective date of this Part in accordance with the following schedule:

1.) For each participating source or new participating source that generates VOM emissions from less than 10 emission units, by October 31 of each year; and

\* \* \*

41. Section 254.137 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137 (b), provides as follows:

b) Seasonal Emissions Reports must be submitted for the preceding seasonal allotment period in accordance with the following schedule:

1) For each participating source or new participating source that generates VOM emissions from less than 10 emission units, by October 31 of each year; or

\* \* \*

42. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1), provides the following definition:

“Emission unit” means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term “unit” for purposes of Title IV of the Clean Air Act.

43. GSB’s direct-fired tunnel baking ovens as described in paragraph 11 of Count I of this Complaint are “emission units,” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1).

44. GSB, as an owner and operator of emission units and an emission source was required to timely submit a complete Seasonal Emissions Reports (“SER”) for the 2012 and 2013 seasonal allotment periods by October 31 of each year.

45. GSB failed to timely submit SERs for the 2012 and 2013 seasonal allotment periods.

46. By failing to timely submit an SER for either of the 2012 and 2013 seasonal allotment periods, GSB violated Section 205.300(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(a), and Section 254.132(b) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(b).

47. By violating Section 205.300(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(a), and Section 254.132(b) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(b), GSB thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012).

WHEREFORE, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, GOLD STANDARD BAKERY, INC., for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), and Sections 205.300(a) and 254.132(b) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(a) and 254.132(b);
3. Order Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), and Sections 205.300(a) and 254.132(b) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.300(a) and 254.132(b);
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Grant such other relief as the Board deems appropriate and just.

COUNT V

**FAILURE TO HOLD ALLOTMENT TRADING UNITS (ATU)  
FOR SEASONAL EMISSIONS**

1-38. Complainant realleges and incorporates by reference herein paragraphs 1 through 34 of Count II, and paragraphs 44 through 47 of Count III, as paragraphs 1 through 38 of this Count V.

39. Section 205.150(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.150(c), provides, in pertinent part, as follows:

c) At the end of each reconciliation period, on and after the dates specified in Section 205.200 of this Part, each participating source shall:

1) Hold ATUs in an amount not less than its VOM emissions during the preceding seasonal allotment period, except as provided in Sections 205.220, 205.225, 205.315, 205.316, 205.320(e)(3) or (f) and 205.750 of this Part; or

2) Except as provided in subsection (f) of this Section, hold ATUs in an amount not less than 1.3 times its emissions during the preceding seasonal allotment period that are attributable to a major modification, if a participating source commences operation of a major modification pursuant to 35 Ill. Adm. Code 203 on or after May 1, 1999. Additionally, such source must hold ATUs in accordance with subsection (c)(1) of this Section for VOM emissions during the preceding seasonal allotment period that are not attributable to this major modification.

40. Section 205.200 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.200, provides as follows:

a) The requirements of this Part shall apply to any source operating prior to May 1, 1999, located in the Chicago area, that

1) emits or has the potential to emit 25 tons per year or more of VOM or is required to obtain a CAAPP permit; and

2) has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999.

b) Each participating source shall hold ATUs, as specified in Section 205.150(c) of this Part, in accordance with the following schedule:

3) For any source that will first be subject to the requirements of this Part because of a VOM emissions increase at any time on or after May 1, 1999 that constitutes a major modification pursuant to 35 Ill. Adm. Code 203, upon commencing operation of this modification.

41. Section 205.130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.130, provides the following definitions:

“ALLOTMENT TRADING UNIT (ATU)” means a tradable unit that represents 200 lbs of VOM emissions and is a limited authorization to emit 200 lbs of VOM emissions during the seasonal allotment period.

“RECONCILIATION PERIOD” means the period from October 1 through December 31 of each year during which the owner or operator of a participating source or new participating source must compile actual VOM emissions for the previous seasonal allotment period and may also buy or sell ATUs so that sufficient ATUs are held by the source by the conclusion of the reconciliation period.

42. Under Section 205.150(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.150(c), as a participating source, GSB was required to hold ATUs.

43. GSB failed to hold ATUs for seasonal emissions during the 2012 and 2013 seasonal allotment periods.

44. By failing to hold ATUs for seasonal emissions during the 2012 and 2013 seasonal allotment periods, GSB violated Sections 205.150(c) and 205.200 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.150(c) and 205.200.

45. By violating Sections 205.150(c) and 205.200 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.150(c) and 205.200, GSB thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2012).

WHEREFORE, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, GOLD STANDARD BAKERY, INC., for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), and Sections 205.150(c) and 205.200 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.150(c) and 205.200;
3. Order Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), and Sections 205.150(c)(1) and 205.200 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 205.150(c)(1) and 205.200;
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Grant such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
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