

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
Complainant,)	
)	
v.)	PCB No.
)	
SIGNCRAFT SCREENPRINT, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is attached and hereby served upon you. You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.

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 violations.

Respectfully submitted,

By: /s/ Jamie D. Getz
 JAMIE D. GETZ
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 69 W. Washington St., 18th Floor
 Chicago, Illinois 60602
 (312) 814-6986

Date: July 19, 2019

Service List

For the Respondent

James D. Brusslan, Esq.

Levenfeld Pearlstein

2 N. LaSalle St., #1300

Chicago, IL 60602

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CERTIFICATE OF SERVICE

I, Jamie Getz, an Assistant Attorney General, certify that on July 19, 2019, I caused to be served by Regular U.S. Mail the foregoing Notice of Filing and Complaint to the parties named on the attached Service List, via email.

/s/ Jamie D. Getz

Jamie D. Getz

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

69 W. Washington Street, Suite 1800

Chicago, Illinois 60602

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, SIGNCRAFT SCREENPRINT, INC., an Illinois corporation, as follows:

COUNT I

CONSTRUCTION OF AIR POLLUTION EMISSION UNIT WITHOUT A PERMIT

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against SIGNCRAFT SCREENPRINT, INC. (“Respondent”), an Illinois corporation, pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2018).

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 (2018), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent was and is an Illinois corporation duly authorized to do business in Illinois.

4. At all times relevant to this Complaint, Respondent owned and operated a screen printing operation located at 11367 Industrial Park, Galena, Jo Daviess County, Illinois (“Facility”).

5. The Facility contains ten (10) screen printing lines. The screen printing lines utilize solvent based screen printing ink. Each of the ten (10) screen printing lines emits or has the potential to emit Volatile Organic Material (“VOM”).

6. On March 5, 1999, Illinois EPA issued to Respondent a Lifetime Operating Permit (“Lifetime Operating Permit”) authorizing it to operate nine (9) screen printing lines. The Lifetime Operating Permit includes limitations on solvent usage and emissions of VOM.

7. In August 2005, or on such date better known to Respondent, Respondent constructed and commenced operating the tenth screen printing line at the Facility without submitting an application for a construction permit to Illinois EPA. The tenth screen printing line emits or has the potential to emit VOM.

8. Section 9(b) of the Act, 415 ILCS 5/9(b) (2018), 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 unless otherwise exempt by this Act or Board regulations or (2) in violation of any conditions imposed by such permit.

9. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides the following definition:

“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.

10. Respondent, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2018), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, or any odor, or any form of energy, from whatever source.

12. VOM is a contaminant at that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2018).

13. Section 3.115 of the Act, 415 ILCS 5/3.115 (2018), provides the following definition:

“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.

14. The tenth screen printing line is capable of causing or contributing to “air pollution” as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2018), because it emits, or is capable of emitting, contaminants into the atmosphere.

15. By constructing the tenth screen printing line at the Facility without first obtaining a construction permit issued by the Illinois EPA, Respondent violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2018).

16. Section 201.142 of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides as follows:

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 Section 201.146.

17. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, contains the following definitions:

“Air Contaminant”: any solid, liquid or gaseous matter, any odor or any form of energy that is capable of being released into the atmosphere from an emission source.

“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 emissions standards or other specific limitations.

18. The installation of the tenth screen printing line at the Facility constitutes “construction” as that term is defined by Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

19. The tenth screen printing line at the Facility, which is capable of emitting VOM, a “specified air contaminant,” into the atmosphere, is an “emission source” as that term is defined by Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

20. The tenth screen printing line was constructed at the Facility after April 14, 1972 and therefore constitutes a “new emission source” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

21. By causing or allowing the construction of the tenth screen printing line at the Facility without first obtaining from the Illinois EPA a construction permit, Respondent violated Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

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

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

2. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2018), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

3. Ordering Respondent to cease and desist from any future violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2018), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

4. Assessing a civil penalty against Respondent of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Respondent to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to 415 ILCS 5/42(f) (2018); and

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

COUNT II

EXCEEDANCES OF LIFETIME OPERATING PERMIT LIMITATIONS

1-14. Complainant realleges and incorporates herein paragraphs 1 through 14 of Count I as paragraphs 1 through 14 of Count II.

15. Condition 2 of the Lifetime Operating Permit provides as follows:

- a. Emissions of VOM and operation of the 9 screen printing lines shall not exceed the following limits:

<u>Material</u>	<u>Usage</u>		<u>VOM Emissions</u>	
	<u>(Lb/Day)</u>	<u>(Lb/Year)</u>	<u>(Lb/Hour)</u>	<u>(Ton/Year)</u>
Ink	4	24,476	2.43	10.64
Solvents (Including Diluting and Cleaning Solvents)	6	37,116	9.55	41.84
		Total:	11.98	52.48

b. These limits define the potential emissions of VOM and are based on the actual emissions determined from maximum VOM content and ink and solvent usage information provided by the company. Compliance with annual limits shall be determined from a running total of 12 months of data.

16. Condition 6 of the Lifetime Operating Permit provides as follows:

If there is an exceedance of the requirements of this permit, as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.

17. Respondent informed Illinois EPA in reports submitted pursuant to Condition 6 of the Lifetime Operating Permit that, beginning in July 2016, through the date of filing of this Complaint, or on dates better known to Respondent, it exceeded the ink daily usage limit set forth in the Lifetime Operating Permit for each day the Facility was in operation. Specifically, Respondent reported that the calculated daily ink usages were as high as 102 lbs/day.

18. Respondent informed Illinois EPA in reports submitted pursuant to Condition 6 of the Lifetime Operating Permit that, beginning in January 1, 2013, through the date of filing this Complaint, or on dates better known to Respondent, it exceeded the solvent daily usage limit for each day the Facility was in operation. Specifically, Respondent reported that the calculated daily solvent usages ranged from were as high as 311 lbs/day.

19. Respondent informed Illinois EPA in reports submitted pursuant to Condition 6 of the Lifetime Operating Permit that, beginning in January 2013, through the date of filing this

Complaint, with the exception of November and December 2013, or on dates better known to Respondent, it exceeded the 12-month cumulative solvent usage limitation set forth in the Lifetime Operating Permit. Specifically, Respondent reported that the calculated 12-month cumulative solvent usage limitation ranged between 34,852 and 63,404 lbs/year.

20. By exceeding the ink daily usage limit, the solvent daily usage limit, and the 12-month cumulative solvent usage limitation, Respondent violated Condition 2(a) of the Lifetime Operating Permit.

21. By violating Condition 2(a) of the Lifetime Operating Permit, Respondent violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2018):

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board to enter an order in favor of Complainant and against Respondent SIGNCRAFT SCREENPRINT, an Illinois corporation, with respect to Count II:

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

2. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2018);

3. Ordering Respondent to cease and desist from any future violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2018);

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

5. Ordering Respondent to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to 415 ILCS 5/42(f) (2018); and

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

COUNT III
OPERATING A STATIONARY SOURCE WITHOUT A PERMIT

1-9. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 7 and 9 through 10 of Count I as paragraphs 1 through 9 of this Count III.

10. Beginning in August 2005, or on dates best known to Respondent, the Facility emitted or had the potential to potential to emit (“PTE”) greater than 100 tons of VOM per year.

11. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2018), provides as follows:

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 source has been timely submitted to the Agency.

12. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2018), provides the following definitions:

“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.

“Major source” means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph (c) of subsection 2 of this Section.

“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.

“Regulated air pollutant” means the following:

- (1) Nitrogen oxides (NOx) or any volatile organic compound...

* * *

“Source” means any stationary source (or any group of stationary sources) that is 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 (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987, or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination as to whether any group of stationary sources is located on contiguous or adjacent properties, and/or is under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

13. Section 39.5(2) of the Act, 415 ILCS 39.5.2 (2018), provides, in relevant part, as follows:

- a. Sources subject to this Section shall include:
 - i. Any major source as defined by paragraph (c) of this Subsection.

* * *

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

* * *

ii. A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA).....

14. The Facility emits or has the “potential to emit” 100 tons per year or more of VOM, a “regulated air pollutant”, and is therefore a “stationary source”, a “major source”, and a “CAAPP source” as those terms are defined by Section 39.5(1) and (2) of the Act, 415 ILCS 5/39.5(1) and (2) (2018).

15. Respondent is the “owner or operator” of the Facility, as defined by Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2018).

16. Respondent, the owner or operator of a CAAPP source, is subject to the CAAPP permitting requirements.

17. On March 16, 2018, Respondent submitted its application for a permit under the CAAPP requirements.

18. As of the date of filing of this Complaint, Illinois EPA has not issued to Respondent a CAAPP Permit.

19. By operating the Facility without a CAAPP Permit, Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board to enter an order in favor of Complainant and against Respondent SIGNCRAFT SCREENPRINT, INC., an Illinois corporation, with respect to Count III:

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

2. Finding that Respondent has violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2018);
3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2018);
4. Assessing a civil penalty against Respondent of Ten Thousand Dollars (\$10,000.00) for each day of violation, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2014);
5. Ordering Respondent to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to 415 ILCS 5/42(f) (2018); and
6. Granting such other relief as the Board deems appropriate and just.

COUNT IV
VIOLATION OF COMPLIANCE COMMITMENT AGREEMENT

- 1-6. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 6 of Count I as paragraphs 1 through 6 of this Count IV.
7. On June 14, 2016, Respondent and Illinois EPA entered into a Compliance Commitment Agreement (“CCA”) pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5) (2018). A true and correct copy of the CCA is attached hereto as Exhibit 1.
8. Condition 5 of the CCA provides, in relevant part, as follows:

Respondent agrees to undertake, complete, and continue to maintain the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in VN A-2016-00012:

 - a. Verify through your signature on this document that Respondent will obtain the requisite permit. To this end, Respondent will promptly provide to the Illinois EPA all information requested during the permitting process, which was initiated by submission of a joint construction and operating permit

application received by the Illinois EPA on April 26, 2016, to facilitate and ensure the issuance of the requisite joint construction and operating permit.

9. As of the date of the filing of this Complaint, Respondent has failed to submit to Illinois EPA all information requested by Illinois EPA during the permitting process and has failed to obtain the requisite operating permit.

10. Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2018), provides, in part:

* * *

No person shall violate the terms and conditions of a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of this Section.

11. By failing to submit to Illinois EPA all information requested by Illinois EPA during the permitting process and has failed to obtain the requisite operating permit, Respondent violated Condition 5 of the CCA.

12. By violating Condition 5 of the CCA, Respondent thereby violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2018).

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

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

2. Finding that Respondent has violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2018);

3. Ordering Respondent to cease and desist from any future violations of Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2018);

4. Assessing a civil penalty against Respondent of Two Thousand Dollars (\$2,000.00) for each violation of the Act, pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k) (2018);
5. Ordering Respondent to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to 415 ILCS 5/42(f) (2018); and
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL
Attorney General of the State of Illinois

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

BY: /s/ Elizabeth Wallace
ELIZABETH WALLACE, Chief
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