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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AUG 5 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 PACKAGING PERSONIFIED, INC.,)
 an Illinois corporation,)
)
 Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB 04-16
(Enforcement)

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, August 5, 2003, filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of our Complaint, a copy of which is attached herewith and served upon you.

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.

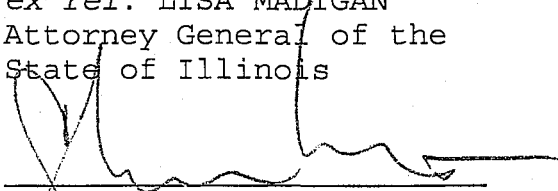
NOTIFICATION

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

ex rel. LISA MADIGAN
Attorney General of the
State of Illinois

BY:


CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
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Chicago, IL 60601
(312) 814-5388

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
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 Complainant,)
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 PACKAGING PERSONIFIED, INC.,)
 an Illinois corporation,)
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 Respondent.)

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, PACKAGING PERSONIFIED, INC., as follows:

COUNT I

CONSTRUCTION OF EMISSION SOURCES WITHOUT A PERMIT

1. This Complaint is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS 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 (2002).

2. Illinois EPA is an administrative agency of the State of Illinois, established by Section 4 of the Act, 415 ILCS 5/4 (2002), and is charged, *inter alia*, with the duty of enforcing the Act, and regulations promulgated by the Illinois Pollution Control Board ("Board").

3. At all times relevant to this complaint, Respondent

PACKAGING PERSONIFIED, INC., was, and is, an Illinois corporation, duly authorized to transact business in the State of Illinois.

4. The Respondent owns and operates a polyethylene and polypropylene film processing and printing facility located at 246 Kehoe Boulevard, Carol Stream, Du Page County, Illinois ("Facility" or "Site"). Du Page County is classified pursuant to the federal Clean Air Act, 42 U.S.C. 7401 *et seq.*, as a 'severe ozone nonattainment area'.

5. As a regular part of its operations, the Respondent extrudes and prints plastic bags. The extrusion process is operated seven days per week, 24 hours per day. The printing process is operated 5 days per week, 16 hours per day. extruders, flexographic printing presses, curing ovens, and other equipment at the Site (collectively "Emissions sources") have the capacity to emit in excess of 25 tons of volatile organic material ("VOM") per year. The Respondent's actual 2002 VOM emissions were at least 44 tons.

6. The Respondent began installation of emissions sources at the Site on a date better known to Respondent, but prior to 1989. During the years 1989, 1992, and 1995, the Respondent installed four flexographic printing presses and a curing oven. During the years 1992 and 1995, the Respondent installed four extruders. At no time from the date the Respondent began installation of the emissions sources until the time of filing this complaint did the Respondent obtain Illinois EPA construction permits or operating permits for these emission

sources.

7. Section 9 of the Act, 415 ILCS 5/9 (2002), provides, in pertinent part, 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.

8. Section 3.26 of the Act, 415 ILCS 5/3.26 (2002), 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.

9. The Respondent, an Illinois corporation, is a "person" as that term is defined in Section 3.26 of the Act, 415 ILCS 5/3.26 (2002).

10. Section 201.142 of the Board 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, without first obtaining a construction permit from the Agency, except as provided in Section 201.146.

11. Section 201.102 of the Board regulations, 35 Ill. Adm. Code 201.102, provides, in pertinent part, as follows:

"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.

12. Respondent's extruders, flexographic printing presses, and ovens are "emission source[s]" and "new emission source[s]" as those terms are defined in 35 Ill. Adm. 201.102.

13. Section 3.02 of the Act, 415 ILCS 5/3.02 (2002), contains 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. Section 3.06 of the Act, 415 ILCS 5/3.06 (2002), provides, as follows:

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

15. VOM emitted from emissions sources at the Site is a "contaminant" as that term is defined in Section 3.06 of the Act, 415 ILCS 5/3.06 (2002).

16. Respondent's emissions sources are capable of emitting VOM, a contaminant injurious to human health, to the atmosphere, and therefore are capable of causing or contributing to air pollution.

17. On various dates from 1989 to the present, the

Respondent commenced construction of the emissions sources at the Site, without first having applied for or obtained construction permits from Illinois EPA. Respondent thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), and 35 Ill. Adm. Code 201.142. Respondent's violations were willful, knowing, and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on 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 the Respondent has violated Section 9(b) of the Act, and 35 Ill. Adm. Code 201.142;

3. Ordering the Respondent to cease and desist from any further violation of Section 9(b) of the Act and pertinent regulations;

4. Assessing against the Respondent a civil penalty 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 the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

COUNT II

OPERATION OF EMISSION SOURCES WITHOUT A PERMIT

1-15. Complainant realleges and incorporates by reference herein paragraphs 1 through 9, and paragraphs 11 through 16, of Count I as paragraphs 1 through 15 of this Count II.

16. Section 201.143 of the Board regulations, 35 Ill. Adm. Code 201.143, provides, as follows:

No person shall cause or allow the operation of any new emission source or any new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit.

17. Since the date of first installation in 1989, the Respondent has operated one or more emissions sources at the Site without having first applied for and obtained operating permits from Illinois EPA. The Respondent has thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), and 35 Ill. Adm. Code 201.143. Respondent's violations were willful, knowing and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on 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 the Respondent has violated Section 9(b) of the Act, and 35 Ill. Adm. Code 201.143;
3. Ordering the Respondent to cease and desist from any

further violation of Section 9(b) of the Act and pertinent regulations;

4. Assessing against the Respondent a civil penalty 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 the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

COUNT III

FAILURE TO SUBMIT TIMELY ANNUAL EMISSIONS REPORTS

1-11. Complainant realleges and incorporates by reference herein paragraphs 1 through 6, paragraphs 8 and 9, and paragraphs 14 through 16 of Count I as paragraphs 1 through 11 of this Count III.

12. The Respondent did not submit Annual Emission Reports to Illinois EPA for the years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000 and 2001, until August 8, 2002.

13. Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), provides, in pertinent part, 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;

14. Section 201.302(a) of the Board regulations, 35 Ill. Adm. Code 201.302(a), provides, as follows:

The owner or operator of any emission unit or air pollution control equipment, unless specifically exempted in this Section, shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports where necessary to accomplish the purpose of the Act and this Chapter.

15. Section 211.1950 of the Board regulations, 35 Ill. Adm. Code 211.1950, provides, in pertinent part, as follows:

"Emission unit" means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.

16. Section 211.6370 of the Board regulations provides, as follows:

"Stationary Source" means any building, structure, facility, or installation that emits or may emit any air pollutant.

17. Respondent's facility is a "stationary source" as that term is defined in 35 Ill. Adm. Code 211.6370.

18. The emissions sources at the Site are "emission unit[s]" as that term is defined in 35 Ill. Adm. Code 211.1950.

19. Section 254.137 of the Board regulations, 35 Ill. Adm. Code 254.137, provides, in pertinent part, as follows:

a) All annual Emission Reports are due by May 1 of the year following the calendar year in which the emissions took place.

* * *

20. The Respondent is the owner or operator of the VOM

sources, and therefore was required to submit Annual Emission Reports, according to the schedule contained in 35 Ill. Adm. Code 254.137, for each calendar year from 1992 until the present.

21. By failing to submit Annual Emission Reports for the years 1992 through 2001 until August 8, 2002, Respondent violated Sections 201.302(a) and 254.137 of the Board regulations, 35 Ill. Adm. Code Sections 201.302(a) and 254.137, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002). Respondent's violations were willful, knowing, and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on 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 the Respondent has violated Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302(a) and 254.137;

3. Ordering the Respondent to cease and desist from any further violation of Section 9(b) of the Act and pertinent regulations;

4. Assessing against the Respondent a civil penalty 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 the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the

State in its pursuit of this action; and

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

COUNT IV

OPERATING A MAJOR STATIONARY SOURCE WITHOUT A CAAPP PERMIT

1-9. Complainant realleges and incorporates by reference herein paragraphs 1 through 8, and paragraph 13, of Count III as paragraphs 1 through 9 of this Count IV.

10. Section 39.5 of the Act, 415 ILCS 5/39.5 (2002), provides, in pertinent part, as follows:

5. Applications and Completeness

a. An owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the Act and applicable regulations

* * *

6. Prohibition

* * *

b. 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.

11. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002), provides, in pertinent part, as follows:

"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.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"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) belonging 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. Nitrogen oxides (NOx) or any volatile organic compound. . . .

12. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2002), provides in pertinent part, as follows:

a. Sources subject to this Section shall include:

1. 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 . . . to emit 25 tons or more per year in areas classified as severe. . .

13. Respondent's facility, located in a severe ozone nonattainment area, has the potential to emit over 25 tons per year of VOM , and is a "major stationary source" as that term is defined in Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2002), and therefore also a "CAAPP source" as defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002).

14. Respondent owns and operates the emission sources at the Site, and therefore is the "owner and operator" of "CAAPP source" as those terms are defined in Section 39.5(1) of the act, 415 ILCS 5/39.5(1) (2002).

15. Section 39.5(5) of the Act, 415 ILCS 39.5(5) (2002), provides, in pertinent part, as follows:

- a. An owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the Act and all applicable regulations.

* * *

16. Section 270.201(b) of the Board regulations, 35 Ill. Adm. Code 270.201(b) provides, in pertinent part, as follows:

- b) an owner or operator of a CAAPP source with the following SIC codes shall submit its initial complete CAAPP application not later than 6 months after the effective date of the CAAPP: 26 (paper

and allied products); 27 (printing and publishing)....

17. Respondent began operation of emissions sources at the Site in 1989, and was required to submit its CAAPP application by March 1, 1996. However, the Respondent did not submit a CAAPP application to Illinois EPA until July 2, 2002.

18. By failing to submit its application for a CAAPP permit by March 1, 1996, the Respondent violated Sections 39.5(5) and 39.5(6)(b) of the Act, 415 ILCS 5/39.5(5) and 5/39.5(6)(b) (2002), and 35 Ill. Adm. Code 270.201(b). By violating 35 Ill. Adm. Code 270.201(b), the Respondent thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002). Respondent's violations were willful, knowing, and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on 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 the Respondent has violated Sections 9(a), 39.5(5), and 39.5(6)(b) of the Act, and 35 Ill. Adm. Code 270.201(b);

3. Ordering the Respondent to cease and desist from any further violation of Sections 9(a), 39.5(5), and 39.5(6)(b) of the Act, and pertinent regulations;

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section

9(a) of the Act, and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5 of the Act;

6. Ordering the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

COUNT V

VIOLATION OF NEW SOURCE REVIEW

1-13. Complainant realleges and incorporates by reference herein paragraphs 1 through 9, and paragraphs 11 through 14, of Count IV as paragraphs 1 through 13 of this Count V.

14. Pursuant to authority granted under the Act, the Board has promulgated standards applicable to major stationary sources of contaminants, at 35 Ill. Adm. Code, Part 203 ("Board Major Source regulations").

15. Section 203.201 of the Board Major Source regulations, 35 Ill. Adm. Code 203.201, provides, in pertinent part, as follows:

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 the part for that

pollutant. In areas designated nonattainment for ozone, this prohibition shall apply to new major stationary sources or major modifications of sources that emit volatile organic materials or Nitrogen Oxides.

* * *

16. Section 203.203 of the Board Major Source Regulations, 35 Ill. Adm. Code 203.203, provides, in pertinent part, as follows:

- a) A construction permit is required prior to actual construction of a major new source or major modification.

* * *

17. Section 203.301 of the Board Major Source regulations, 35 Ill. Adm. Code 203.301, provides, in pertinent part, as follows:

Section 203.301 Lowest Achievable Emission Rates:

- a) For any source , lowest achievable emission rate (LAER) will be the more stringent rate of emissions based on the following....

* * *

- b) The owner or operator of a new major stationary source shall demonstrate that the control equipment and process measures applied to the source will produce LAER.

* * *

- d) The owner or operator shall provide a detailed showing that the proposed emission limitation constitutes LAER

18. During the years 1992, 1994, and 1995, the Respondent commenced construction of emission sources at the Site, a new major source, without first having applied for and obtained a construction permit from Illinois EPA. The Respondent thereby

violated Section 203.203 of the Board Major Source regulations, 35 Ill. Adm. Code 203.203, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and 35 Ill. Adm. Code 203.201.

19. The Respondent operated a new major stationary source without having first demonstrated that control equipment and process measures at its facility complied with LAER. Respondent thereby violated Section 203.301 of the Board Major Source regulations, 35 Ill. Adm. Code 203.301, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002) and 35 Ill. Adm. Code 203.201. Respondent's violations were willful, knowing, and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on Count V:

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

2. Finding that the Respondent has violated Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 203.201, 203.301, and 203.203;

3. Ordering the Respondent to cease and desist from any further violation of Section 9(a) of the Act and pertinent regulations;

4. Assessing against the Respondent a civil penalty 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 the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

COUNT VI

EMISSIONS REDUCTION MARKET SYSTEM VIOLATIONS

1-13. Complainant realleges and incorporates by reference herein, paragraphs 1 through 13 of Count III as paragraphs 1 through 13 of this Count VI.

14. During the five month period, May 1 until September 30, of each year from at least 1997 until the time of filing this complaint, Respondent's facility emitted more than 10 tons of VOM.

15. Respondent did not submit annual emission reports listing seasonal emissions for the years 2000, 2001, and 2002, until May 16, 2003.

16. Pursuant to the requirements of Section 9.8 of the Act, 415 ILCS 5/9.8 (2002), the Board has established regulations creating and regulating alternative air pollution controls, including the Emission Reduction Market System ("ERMS"). Regulations requiring participation and managing ERMS credits are found at 35 Ill. Adm. Code, Part 205 ("ERMS regulations").

17. Section 205.130 of the ERMS regulations, 35 Ill. Adm. Code 205.130 provides, in pertinent part, as follows:

"Annual Emissions Report" means the report submitted to the Agency annually pursuant to 35 Ill. Adm. Code 254.

"Baseline emissions" means a participating source's VOM emissions for the seasonal allotment period based on historical operations as determined under Subpart C of this Part. Baseline emissions shall be the basis of the allotment for each participating source.

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

"Chicago ozone nonattainment area" means the area composed of Cook, DuPage, Kane, Lake, McHenry, and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County. "New participating source" means a source not operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has or will have seasonal emissions of at least 10 tons of VOM.

"Participating source" means a source operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that 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.

18. From at least 1997 until the present, Respondent's facility had seasonal emissions of at least 10 tons of VOM, and was a "participating source" as that term is defined in 35 Ill. Adm. Code 205.130. The Respondent is owner and operator of a "participating source".

19. Section 205.310 of the ERMS regulations, 35 Ill. Adm. Code 205.310, provides, in pertinent part, 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:

- 1) For a participating source with baseline emissions of at least 10 tons of VOM, as determined in accordance with Section 205.320(a) of this Subpart, by March 1, 1998;

* * *

20. Section 205.300 of the ERMS regulations, 35 Ill. Adm.

Code 205.300 provides, in pertinent part, as follows:

**Section 205.300 Seasonal Emissions Component of the
Annual Emissions Report**

- 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

* * *

21. Section 254.501 of the Board regulations, 35 Ill. Adm.

Code 254.501, provides, in pertinent part, as follows:

**Section 254.501 Contents of a Seasonal Emissions
Report**

- a) The owner or operator of a source subject to the seasonal emissions reporting requirements for ERMS required by 35 Ill. Adm. Code 205.300 must provide the following information:

- 1) Source identification information:
 - A) Source name, physical location and mailing address;
 - B) Name of Responsible Official; and
 - C) Source contact telephone number.

* * *

- b) The owner or operator of a participating source or new participating source under 35 Ill. Adm. Code 205 must provide total seasonal actual emissions of hazardous air pollutants (HAPs) that are also VOM for the following HAPs:

* * *

- c) The owner or operator of each participating source or new participating source under 35 Ill. Adm. Code 205 must provide responses to the following questions regarding VOM HAPs for the seasonal allotment period addressed in the Seasonal Emissions Report:

- 1) To your knowledge, did emissions of any HAP increase at your source due to receipt or expected receipt of additional Allotment Trading Units (ATUs)?

* * *

22. Respondent was required submit its ERMS baseline application to Illinois EPA by March 1, 1998. By failing to submit ERMS baseline at any time up to the date of filing this Complaint, Respondent violated Section 205.310 of the ERMS regulations, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002). Respondent's violations were willful, knowing and repeated.

23. Respondent's facility contains less than 10 emissions sources. Respondent was therefore required to submit seasonal emission information for the years 2000, 2001, and 2002, conforming with 35 Ill. Adm. Code Sections 205.300 and 254.501, by October 31st of each respective year.

24. By failing to submit seasonal emission information for any year until May 16, 2003, Respondent violated 35 Ill. Adm.

Code Sections 205.300 and 254.501, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002). Respondent's violations were willful, knowing, and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on 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 the Respondent has violated Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 205.310, 205.300, and 254.501;

3. Ordering the Respondent to cease and desist from any further violation of Section 9(a) of the Act and 35 Ill. Adm. Code Sections 205.310, 205,300, and 254.501;

4. Assessing against the Respondent a civil penalty 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 the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

COUNT VII

VIOLATION OF FLEXOGRAPHIC PRINTING RULES: FAILURE TO DEMONSTRATE COMPLIANCE

1-9. Complainant realleges and incorporates by reference herein, paragraphs 1 through 8, and paragraph 13, of Count III, as paragraphs 1 through 9 of this Count VII.

10. From at least April, 1992 until the present, Respondent has applied flexographic printing inks at the its facility having a VOC content as listed below:

FLEXOGRAPHIC PRINTING INK *	VOC CONTENT (% by volume)**
Suntex H/R Silver	67.5
Sunsheen 021 Orange	57.69
Sunsheen Madras Orange	59.3
Methyl Violet Base	62.97
Sunsheen Pant Purple	71.3
N/C Carbozole Purple	86.62

[* Trade names of Sun Chemical Company]

[** VOC content does not include water or other excluded substances]

11. From at least September 27, 1993 until the time of filing of this Complaint, the Respondent failed to perform testing to demonstrate compliance with the VOC limitation applying to flexographic printing operations, failed to collect and record ink usage and VOM content, and failed to record the daily weighted average of VOM content of flexographic inks used at the Site.

12. Pursuant to authority granted under the Act, the Board has promulgated regulations limiting organic material emissions in the Chicago area, found at 35 Ill. Adm. Code part 218 ("O/M" Emission regulations").

13. Section 218.103 of the O/M Emission regulations, 35 Ill. Adm. Code 218.103, provides, in pertinent part, as follows:

Applicability

The provisions of this Part shall apply to all sources located in the Chicago area, which is composed of Cook, DuPage, Kane, Lake, McHenry and Will Counties, and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County.

* * *

14. Section 218.106 of the O/M emission regulations provides, in pertinent part, as follows:

Compliance Dates

- a) Except as otherwise provided in this Section or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of all rules is required by July 1, 1991....

* * *

15. Subpart H of the O/M emission regulations, titled PRINTING AND PUBLISHING (" Flexographic Printing rules"), regulates organic material content, material usage reporting, and record keeping for the flexographic printing industry within the greater Chicago area, including Du Page County, Illinois.

16. Section 218.402 of the Flexographic Printing rules, 35 Ill. Adm. Code 281.402 provides, in pertinent part, as follows:

- a) The limitations of Section 218.401 of this Part apply to all flexographic and rotogravure printing lines at a subject source. Sources with flexographic and/or rotogravure printing lines are subject sources if:

* * *

- 2) The flexographic and rotogravure printing lines(s) ...at the sources have a potential to emit [25 tons] or more of VOM per year.

17. Respondent's four flexographic printing lines have the potential to emit more than 25 tons of VOM per year, and are "subject sources" as that term is defined and used in 35 Ill. Adm. Code 218.402. The Respondent is the "owner and operator" of subject flexographic printing emission sources.

18. Section 218.401 of the Board Printing Rules, 35 Ill. Adm. Code 218.401 [effective September 27, 1993], provides, in pertinent part, as follows:

a) No owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either subsection (a)(1) or (a)(2) below. Compliance with this Section must be demonstrated through the applicable coating or Ink analysis test methods and procedures specified in Section 218.105(a) of this part and the recordkeeping and reporting requirements specified in 218.404(c) of this Part....

1) Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM), or

* * *

b) No owner or operator of a subject flexographic...printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitations specified in either subsection (a)(1) [as determined by subsection (b)(1)] or subsection (a)(2) [as determined by subsection b(2)]. Compliance with this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Part.

19. From September 27, 1993 until the date of filing this

complaint, the Respondent applied inks with a VOM content in excess of forty percent, without performing any analysis of ink usage or otherwise demonstrating compliance with Section 218.401 of the Flexographic Printing Rules, 218.401. The Respondent thereby violated 35 Ill. Adm. Code 218.401, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002). Respondent's violations were willful, knowing, and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on Count VII:

1. Authorizing a hearing in this matter, at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 9(a) of the Act, and 35 Ill. Adm. Code 218.401;
3. Ordering the Respondent to cease and desist from any further violation of Section 9(a) of the Act, and 35 Ill. Adm. Code 218.401;
4. Assessing against the Respondent a civil penalty 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 the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT VIII

**VIOLATION OF FLEXOGRAPHIC PRINTING RULES:
FAILURE TO MAINTAIN RECORDS**

1-17. Complainant realleges and incorporates by reference herein paragraphs 1 through 17, of Count VII, as paragraphs 1 through 17 of this Count VIII.

18. Section 218.404 of the Board Printing Rules [effective September 27, 1993], provides, in pertinent part, as follows:

Recordkeeping and Reporting

* * *

- c) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part ...shall comply with the following:
 - 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part...shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The name and identification number of each coating and ink as applied on each printing line.
 - B) The VOM content of each coating and ink as applied each day on each printing line.
- * * *
- d) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part...shall comply with the following:
 - 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a printing

line subject to the limitations of Section 218.401 of this Part...shall collect and record all of the following information each day for each printing line and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating and ink as applied on each printing line.
- B) The VOM content and the volume of each coating and ink as applied each day on each printing line.
- C) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.

19. From at least September 27, 1993, until the time of filing this complaint, the Respondent failed to collect, record, and maintain records of the volume, name, identification number, VOC content, and daily weighted VOC content of inks and coatings used and applied at its facility. Respondent thereby violated Section 218.404 (c) and (d) of the Board Flexographic Printing Rules, 35 Ill. Adm. Code 218.404 (c) and (d), and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002). Respondent's violations were willful, knowing, and repeated.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, PACKAGING PERSONIFIED, INC., on Count VIII:

- 1. Authorizing a hearing in this matter, at which time the Respondent will be required to answer the allegations herein;
- 2. Finding that the Respondent has violated Section 9(a) of the Act, and 35 Ill. Adm. Code 218.404;
- 3. Ordering the Respondent to cease and desist from any

further violation of Section 9(a) of the Act and 35 Ill. Adm. Code 218.404;

4. Assessing against the Respondent a civil penalty 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 the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

PEOPLE OF THE STATE OF ILLINOIS
ex rel. 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:

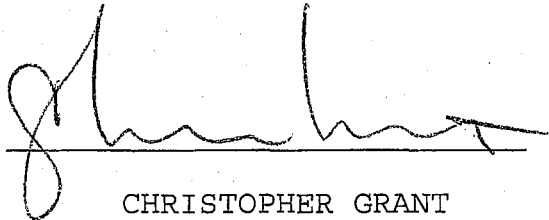
CHRISTOPHER J. GRANT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr
Chicago, Illinois 60601
(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.) PCB
)
 PACKAGING PERSONIFIED, INC.,) (Enforcement)
 an Illinois corporation,)
)
 Respondent.)

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 5th day of August, 2003, by certified mail, the foregoing Complaint and Notice of Filing upon the person listed below, by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.


CHRISTOPHER GRANT

Service List:

Ms. Phyllis Muccianti
Registered Agent
Packaging Personified, Inc.
246 Kehoe Blvd.
Carol Stream, Illinois 60188-1816