

ILLINOIS POLLUTION CONTROL BOARD
May 19, 1988

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Petitioner,)	
)	
v.)	PCB 88-15
)	
MID-CITY LITHOGRAPHERS, INC.,)	
a foreign corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on a January 14, 1988 Complaint filed by Illinois Environmental Protection Agency (Agency) against Mid-City Lithographers, Inc. (Mid-City). The Complaint alleges three counts of violations against Mid-City concerning the operation of its Lake Forest facility.

Count I of the Complaint alleges that from April 24, 1986 to November 21, 1986, Mid-City violated Section 9(b) of the Illinois Environmental Protection Act (Act) as well as 35 Ill. Adm. Code 201.141 and 201.143 by causing or allowing the operation of seven sheet-fed offset printing presses without Agency operating permits.

Count II alleges that from April 14, 1986 until the date of the filing of this Complaint, Mid-City violated Section 9(b) of the Act as well as 35 Ill. Adm. Code 201.141 and 201.143 by causing or allowing the operation of three film laminators and one paper top coater without Agency operating permits.

Finally, Count III alleges that from January 1, 1985 until the date of the filing of the Complaint, Mid-City violated Section 9(a) of the Act as well as 35 Ill. Adm. Code 215.204(c) and 201.141 by using, in its coating operations, adhesives and coatings containing volatile organic material (VOM) in excess of 2.9 pounds of VOM per gallon.

A hearing in this matter was held on April 12, 1988 in Lake Forest. No members of the public were present. At hearing, the parties introduced a Stipulation and Proposal for Settlement (Settlement) which was admitted by the Hearing Officer as Joint Exhibit No. 1. The Settlement is attached and adequately addresses the facts in this matter. Accordingly, this Opinion will not contain the customary discussion of the issues.

The Board notes that the Settlement states: "Mid-City neither admits nor denies the violations...as alleged by the

Agency." However, according to the Agency, Mid-City has now procured the proper permits and is now operating an afterburner in order to achieve compliance. (R. 5-6).

Further, the Board notes that the settlement was apparently signed prior to the Agency's filing of its Complaint. Notwithstanding this curiosity, the Board will accept the Settlement as proposed.

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the Stipulation and Proposal for Settlement acceptable under 35 Ill. Adm. Code 103.180. Accordingly, the Board orders Mid-City to comply with the Order set forth herein.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Illinois Pollution Control Board that:

- 1) The Board hereby accepts the stipulation and Proposal for Settlement executed by Mid-City Lithographers, Inc. (Mid-City) and the Illinois Environmental Protection Agency and which was filed with the Board on April 12, 1988. The Stipulation and Proposal for Settlement is attached hereto.
- 2) Mid-City shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay the sum of \$10,000 (ten thousand dollars). This sum shall be paid within 30 days from the date of this Order. The payment shall be sent by first class mail to:

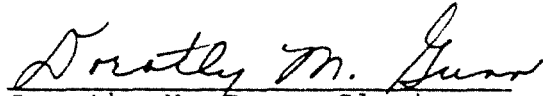
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

- 3) The terms and conditions of the attached Stipulation and Proposal for Settlement are incorporated into and made a part of this Order.

IT IS SO ORDERED.

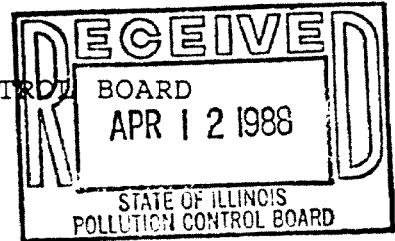
J.T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 19th day of May, 1988, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD



ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

MID-CITY LITHOGRAPHERS, INC.,
a foreign corporation

Respondent.

PCB 88-15

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, Illinois Environmental Protection Agency, by its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, and Respondent, Mid-City Lithographers, Inc., by its attorneys, Jenner & Block, submit this Stipulation and Proposal for Settlement. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony that would be introduced by the parties if a full hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding except to enforce the terms hereof by the parties to this agreement. This agreement shall be null and void unless the Illinois Pollution Control Board ("Board") approves and disposes of this matter on the terms of the settlement set forth herein.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act (Ill. Rev. Stat. ch. 111 1/2, pars. 1001 et seq. [1985])).

II.

AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Proposal for Settlement and to legally bind them to it.

III.

APPLICABILITY

This Stipulation and Proposal for Settlement ("Settlement") shall apply to and be binding upon the Complainant and Respondent, as well as the successors and assignees of each and any officer, director, agent, employee or servant of Respondent. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Settlement the failure of any of its agents, servants or employees to take such action as shall be required to comply with the provisions of this Settlement.

IV.

UNCONTESTED FACTS

- A. Complainant, Illinois Environmental Protection Agency (hereinafter "Agency" or "IEPA"), is an administrative agency established in the executive branch of the State government by Section 4 of the Illinois Environmental Protection Act (hereinafter "the Act") (Ill. Rev. Stat. ch. 111 1/2, par. 1001 et seq. [1985]), and charged, inter alia, with the duty of enforcing the Act, pursuant to Title VIII thereof and recovering civil penalties pursuant to Title XII thereof.
- B. Respondent, Mid-City Lithographers, Inc. ("Mid-City") is a foreign corporation duly authorized to conduct business in the State of Illinois.
- C. At all times pertinent hereto Mid-City has engaged in the printing and laminating of children's text books at a plant located at 13825 West Laurel Drive in Lake Forest, Lake County, Illinois (the "Lake Forest plant").
- D. Located at the Lake Forest plant are seven sheetfed offset color printing presses, three film laminators and one top paper coater. Three of the seven sheetfed color printing presses are six-color presses. The remaining four are four-color presses.
- E. On April 14, 1986, Agency inspector Jeanne Kukla (nee Damlos) conducted an inspection of the Mid-City Lake Forest plant. At the time of this inspection Mid-City did not possess any Agency permits to operate its printing presses, laminators and coater.

Consequently, on April 22, 1986 the Agency sent Mid-City a Compliance Inquiry Letter (CIL) alleging an apparent violation of the Act and 35 Ill. Adm. Code 201.144 arising from Mid-City's operation of its presses, laminators and coater in the absence of an operating permit.

F. On May 6, 1986, Mr. Thomas C. Koonz, the General Manager of Mid-City's Finishing Division, sent a letter to Ms. Kukla advising her that Mid-City was in the process of completing its permit applications and would mail them to the Agency by May 23, 1986.

G. On May 22, 1986, representatives of Mid-City and the Agency met to discuss Mid-City's status with respect to compliance with state environmental laws. At this meeting the Agency learned for the first time that volatile organic material (VOM) emissions attributable to the use of solvent-based coatings in Mid-City's coating operations (encompassing the use of the laminators and the top paper coater) allegedly exceeded the allowable VOM emission of 2.9 lb VOM/gal under 35 Ill. Adm. Code 215.204(c). Three solvent-based coatings used in 1985 contained VOM in the amount of 3.27, 5.1 and 5.94 lb VOM/gal. However, because Mid-City had begun using adhesives which were 90% water-based and replaced a non-compliant coating with a coating containing 2.7 lb VOM/gal in January of 1986, it was Mid-City's position that compliance could be demonstrated under the Board's internal offset rule (35 Ill. Adm. Code 215.207). It was agreed that Mid-City would have until August 15, 1986 to demonstrate compliance under the internal offset rule and submit the necessary permit applications to the Agency's Springfield office.

H. On August 6, 1986, representatives of Mid-City and the Agency again met to discuss Mid-City's compliance efforts. At this meeting the Agency briefly reviewed Mid-City's proposed permit applications. In addition, the procedures for demonstrating compliance under the internal offset rule were discussed.

I. On October 7, 1986, Agency and Mid-City representatives met for the third time. Upon reviewing Mid-City's calculations of daily actual and allowable VOM emission rates from April - August of 1986,

K.L.R.
J.S. the Agency alleged that compliance under the internal offset rule could not be demonstrated. Consequently, on October 17, 1986, the Agency sent Mid-City a Pre-enforcement Conference Letter (PECL) alleging apparent violations of the Act, 35 Ill. Adm. Code 215.204(c) and 35 Ill. Adm. Code 201.144 associated with the operation of its laminators and coater. No violation of the Board's operating permit requirement arising from the unpermitted operation of Mid-City's seven offset printing presses was alleged in the PECL, however, because Mid-City had submitted an operating permit application for this equipment to the Agency on October 14, 1986. The October 17, 1986 PECL contained the notice required by Section 31(d) of the Act (Ill. Rev. Stat. ch. 111-1/2, par. 1031[d]).

J. The Pre-enforcement Conference was held on November 5, 1986. At this conference Mid-City representatives stated that Mid-City intended to achieve compliance with 35 Ill. Adm. Code Part 215 by installing a catalytic afterburner to control VOM emissions from its coating operations.

K. On November 21, 1986, the Agency issued Mid-City a five-year operating permit for its seven sheetfed offset printing presses (No. 86100037).

L. On December 22, 1986, the Agency received a permit application from Mid-City to construct a VOC incineration system at its Lake Forest plant. On December 30, 1986, the Agency notified Mid-City in writing that its permit application was incomplete. Mid-City reapplied for a construction permit for its VOM incineration system on or about January 8, 1987. On February 3, 1987, the Agency issued to Mid-City a construction permit for a VOM incineration system.

V.

CONTESTED FACTS

A. The Agency contends that Mid-City's operation of its Lake Forest plant has resulted in the following violations of Section 9 of the Act (Ill. Rev. Stat. ch. 111-1/2, par. 1009 [1985]) and the Board's Air Pollution Control regulations (35 Ill. Adm. Code Subtitle B, Chapter I) as alleged in Counts I-III of the Agency's complaint:

1. Section 9(b) of the Act, 35 Ill. Adm. Code 201.141 and 35 Ill. Adm. Code 201.143 - Operation of seven sheet offset color printing presses without an operating permit from at least April 14, 1986 to November 21, 1986.

2. Section 9(b) of the Act, 35 Ill. Adm. Code 201.141 and 35 Ill. Adm. Code 201.143 - Operation of three film laminators and one top paper coater without an operating permit from at least April 14, 1986 to the date of filing of the complaint.
 3. Section 9(a) of the Act, 35 Ill. Adm. Code 201.141 and 35 Ill. Adm. Code 215.204(c) - Emission of VOM from coating operations in excess of the allowable VOM emission of 2.9 lb VOM/gal since at least January 1, 1985 to the date of filing of the complaint.
- B. Respondent neither admits nor denies the allegations of Counts I - III as summarized above.

VI.

SECTION 33(C) FACTORS

(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 1033[c][1985])

Section 33(c) of the Illinois Environmental Protection Act provides:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited.to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved; and
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source.

In response to each of these factors the parties state as follows:

A. Mid-City's coating operations emit hydrocarbons which contribute to the formation of atmospheric ozone. Ozone is a pollutant which has well-established adverse effects on property, plant and animal life. The most recent Illinois Annual Air Quality Report, prepared by the Agency, contains the following statements on the potentially adverse health and welfare effects of ozone:

Injury to vegetation is one of the earliest manifestations of photochemical air pollution, and sensitive plants are useful biological indicators of this type of pollution. The visible symptoms of photochemical oxidant produced injury to plants may be classified as: (1) acute injury, identified by cell collapse with subsequent development of necrotic patterns; (2) chronic injury, identified by necrotic patterns or with other pigmented patterns; and (3) physiological effects, identified by growth alterations, reduced yields, and changes in the quality of plant products. The acute symptoms are generally characteristic of a specific photochemical oxidant; though chronic injury patterns

are not. Ozone injury to leaves is identified as a strippling or flecking. Adverse effects on sensitive vegetation have been observed from exposure to photochemical oxidant concentrations of about 100 ug/m^3 (0.05 ppm) for 4 hours.

Adverse effects on materials (rubber products and fabrics) from exposure to photochemical oxidants have not been precisely quantified, but have been observed at the levels presently occurring in many urban atmospheres.

Ozone accelerates the aging of many materials, resulting in rubber cracking, dye fading, and paint erosion. These effects are linearly related to the total dose of ozone and can occur at very low levels, given long duration exposures.

Ozone is a pulmonary irritant that affects the respiratory mucous membranes, other lung tissues and respiratory functions. Clinical and epidemiological studies have demonstrated that ozone impairs the normal mechanical function of the lung, causing alterations in respiration; the most characteristic of which are shallow, rapid breathing and a decrease in pulmonary compliance. Exposure to ozone results in clinical symptoms such as chest tightness, coughing, and wheezing. Alterations in airway resistance can occur, especially to those with respiratory diseases (asthma, bronchitis, emphysema). These effects may occur in sensitive individuals, as well as in healthy exercising persons, at short-term ozone concentrations between 0.15 and 0.25 ppm.

Ozone exposure increases the sensitivity of the lung to bronchoconstrictive agents such as histamine, acetylcholine, and allergens, as well as increasing the individual's susceptibility to bacterial infection. Simultaneous exposure to ozone and SO_2 can produce larger changes in pulmonary function than exposure to either pollutant alone.

B. The Mid-City Lake Forest plant is located in Libertyville Township, Lake County, Illinois. Lake County is designated by the United States Environmental Protection Agency as non-attainment for ozone.

C. The Agency alleges that in the absence of VOM control equipment, actual VOM emissions from Mid-City's coating operations exceed the allowable emission rate of 11.2 tons VOM/year by 35.2 tons VOM/year.

D. The parties agree that Mid-City's printing of children's text books at its Lake Forest plant is of considerable social and economic benefit.

E. The Lake Forest plant is located in an industrial park west of the city of Lake Forest. The finishing division (encompassing the coating operations) has been located at the Lake Forest plant for nearly six years. The printing division (encompassing the presses) moved to the Lake Forest plant from Northfield in late 1985. There are no residences nearby the facility.

F. The parties believe that it is technologically feasible and economically reasonable to control VOM emissions from Mid-City's coating operations with a catalytic afterburner. Construction and operation of a system satisfying the VOM capture and control requirements of 35 Ill. Adm. Code 215.205 will bring Mid-City's operations into compliance with the VOM emission limits of 35 Ill. Adm. Code Part 215, Subpart F.

VII.

PROPOSAL FOR SETTLEMENT

As a result of settlement negotiations between the parties and the actions taken by Respondent, the parties believe that the public interest and the environment will be best served by resolution of this enforcement action under the terms and conditions provided herein. This proposal for settlement will be effective upon the approval of the Board. All statements contained herein are agreed to for purposes of settling this action only and shall be null and void and of no effect if the Board does not approve this proposal for settlement in its entirety.

VIII.

TERMS OF SETTLEMENT

Mid-City and IEPA have agreed to the following Terms of Settlement. These terms shall be in full settlement of the action filed herein by the Agency and Mid-City's liability for all violations alleged by IEPA in its Complaint.

A. Mid-City neither admits nor denies the violations of Section 9 of the Act, 35 Ill. Adm. Code 201.143, 201.141 and 215.204(c) as alleged by the Agency in the Complaint filed in this action.

B. The Respondent agrees to abide by all applicable provisions of the Illinois Environmental Protection Act and Rules and Regulations of the Illinois Pollution Control Board arising from the operation of its plant located at 13825 West Laurel Drive, Lake Forest, Illinois.

C. The Respondent agrees to abide by all terms and conditions of the permit issued by the Agency to Respondent on February 3, 1987 to construct a VOC Incineration System at its plant located at 13825 West Laurel Drive, Lake Forest, Illinois. Said permit (No. 86120051) is attached hereto as Exhibit A and its terms are incorporated by reference as though fully set out herein.

D. The Agency agrees to issue an operating permit to Respondent for its paper coating operations (including the operation of three film laminators, one top paper coater and VOC Incineration System) following the receipt and review of an operating permit application proving that the conditions of the VOC Incineration System construction permit have been satisfied and that the operation of Respondent's paper coating operations will not cause a violation of the Illinois Environmental Act or Illinois Pollution Control Board Rules and Regulations, in accordance with Section 39(a) of the Act (Ill. Rev. Stat. ch. 111-1/2, par. 1039[a]).

E. Mid-City may operate its VOC Incineration System pending the results of the stack test performed in accordance with the terms of the VOC Incineration System construction permit (No. 86120051)(Exhibit A). If the stack test results fail to satisfactorily demonstrate that Mid-City's VOC Incineration System meets the requirements of 35 Ill. Adm. Code 215.205(a), then Mid-City will so arrange its production schedule so as to use only compliant coatings in its paper coating operations, until such time as such a satisfactory demonstration is made.

F. The parties enter into this Stipulation and Proposal for Settlement and Mid-City agrees to pay the amount specified in this paragraph in order to avoid the substantial costs and inconvenience and uncertainties of litigation. In order to resolve this dispute and as a condition of settlement, the Respondent agrees to pay \$10,000 into the Environmental Protection Trust Fund within 30 days from the date the Board adopts a final order approving, accepting

and incorporating this Stipulation and Proposal for Settlement.
Payment shall be made by certified check or money order and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

The parties agree that said payment aids in enforcement of the Act due to the length of time and number of alleged violations and the substantial efforts undertaken by the Agency to obtain Respondent's compliance with the Act and the Board's regulations.

G. The Agency, provided the various provisions of this settlement agreement are complied with, agrees that it shall not pursue its claims against Respondent for violations of the Act or Pollution Control Board Rules governing Air Pollution Control, as stated in the Complaint.

IX.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

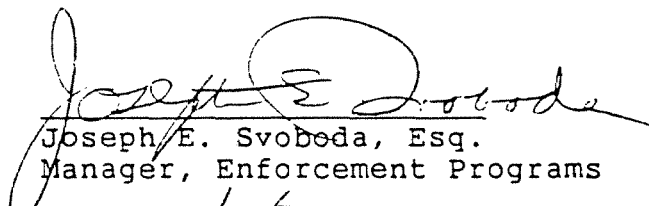
A. This Settlement Agreement in no way affects Respondent's responsibility to comply with any federal, state or local regulations, including but not limited to, the Act and the Illinois Pollution Control Board Air Pollution Control Regulations at the its plant located at 13825 West Laurel Drive, Lake Forest, Illinois.

B. This Settlement Agreement resolves and disposes of all past and existing violations, which could have been alleged based on facts known to Complainant at the time of filing the Complaint. However, nothing in this Settlement Agreement shall be construed as a waiver by Complainant of the right to redress future violations or obtain penalties with respect thereto.

WHEREFORE, Complainant and Respondent jointly request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


FOR COMPLAINANT:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

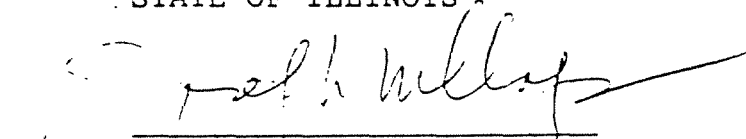

Joseph E. Svoboda, Esq.
Manager, Enforcement Programs
Dated: 8/7/87

FOR RESPONDENT:

MID-CITY LITHOGRAPHERS, INC.


Dated: July 9, 1987

ATTORNEY GENERAL OF THE
STATE OF ILLINOIS


Neil F. Hartigan
Dated: 1/4/88



217/782-2113

CONSTRUCTION PERMIT

PERMITTEE

Mid City Lithographers
Attention: Thomas C. Koonz
13825 West Laurel Drive
Lake Forest, Illinois 60045

Application No.: 36120051

I.D. No.: 097030AAU

Applicant's Designation: POLCONTROL

Date Received: January 8, 1967

Subject: VOC Incineration System

Date Issued: February 3, 1967

Location: 13825 West Laurel Drive, Lake Forest

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of one catalytic afterburner as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. a. Within 30 days of completion of construction of the catalytic afterburner described in the above referenced permit application, the organic material concentrations in the effluent stream of the afterburner shall be measured by an approved testing service. These tests shall be conducted, documented, and reported in accordance with 35 Ill. Adm. Code 215.202, and 35 Ill. Adm. Code Part 283.
- b. The test procedures shall be designed to verify both 90% destruction of VOC across the afterburner and 75% overall control of VOC by the capture system and afterburner as required by 35 Ill. Adm. Code 215.205(a). Prior to conducting such a test, the Agency shall be consulted to verify that the intended test method is approved and is appropriate for use in testing this equipment to show compliance with this rule.
- c. This test shall be conducted during circumstances which are representative of maximum emissions, and equipment data and material usage during the test shall be recorded.

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IL EPA/DAPC
STATE OF ILLINOIS



- 2a. Prior to carrying out these tests, the Pre-Test Procedures of 35 Ill. Adm. Code 283, Subpart B, shall be completed. In particular, the Agency's regional office and the Agency's Source Emission Test Specialist shall be notified a minimum of thirty (30) days prior to the expected date of these tests and further notified a minimum of five (5) working days prior to the test of the exact date, time and place of these tests, to enable the Agency to witness these tests.

Illinois Environmental Protection Agency
Division of Air Pollution Control - Regional Office
The Intercontinental Center
1701 First Avenue
Maywood, Illinois 60153

Illinois Environmental Protection Agency
Attn: Source Emission Test Specialist
Division of Air Pollution Control
Intercontinental Center
1701 First Avenue
Maywood, Illinois 60153

- b. Three (3) copies of the Final Report(s) for these tests, in accordance with 35 Ill. Adm. Code 283, Subparts E, F and G, shall be submitted to the Agency within 14 days after the test results are compiled and finalized, prior to or accompanying the operating permit application. Satisfactory completion of these tests and compliance with the limitations of this permit shall be a prerequisite to the issuance of an operating permit.
- c. A copy of the Summary of Results, General Information, and Conclusions, as contained in the Final Report, shall also be submitted to the Source Emission Test Specialist.

Terry A. Sweitzer, P.E.
Manager, Permit Section
Division of Air Pollution Control

TAS:CRM:ds:41641/30-31

CRM 2/3/87
cc: Region 1
hse