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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 29 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB No. 05- 192
) (Enforcement - Air)
)
Bag Makers, Inc., an Illinois)
corporation,)
)
Respondent.)

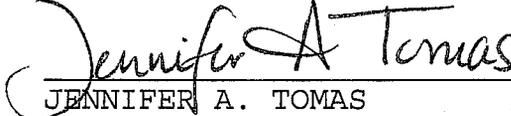
NOTICE OF FILING

To: See Attached Service List.

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board Complainant's Complaint for Civil Penalties, a copy of which is herewith 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.

LISA MADIGAN
Attorney General
State of Illinois


JENNIFER A. TOMAS

April 29, 2005

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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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 v.)
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 Bag Makers, Inc., an Illinois)
 corporation,)
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 Respondent.)

PCB No. 05-192
(Enforcement - Air)

COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, BAG MAKERS, INC., an Illinois corporation, as follows:

COUNT I
CONSTRUCTING AIR 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").

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4 (2002), and is charged, *inter alia*, with the duty of enforcing the Act.

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), and is an action for civil penalties.

4. At all times relevant to this Complaint, Bag Makers, Inc. ("Bag Makers") was and is an Illinois corporation, licensed by the Illinois Secretary of State to conduct business in Illinois.

5. Bag Makers operates a flexographic printing facility located at 6606 South Union Road, Union, McHenry County, Illinois ("Site").

6. Bag Makers designs and produces paper and plastic bags. This process results in the emission of volatile organic materials ("VOM") into the atmosphere. Emission sources at the facility include fifteen (15) flexographic printing presses and five (5) silk screening presses.

7. On July 1, 2003, Bag Makers untimely submitted a Federally Enforceable State Operating Permit ("FESOP") application to the Illinois EPA to operate its fifteen (15) flexographic printing presses. However, the FESOP application did not include Bag Makers' operation of its five (5) silk screening presses. Bag Makers has since obtained a construction permit for the silk screening presses and they will be included in the pending FESOP.

8. Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), 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, without a permit granted by the Agency, or in violation of any conditions imposed by such permit;

* * *

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

10. Sections 3.115, 3.165 and 3.315 of the Act, 415 ILCS 5/3.115, 5/3.165 and 5/3.315 (2002), provide the following definitions, respectively:

"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.

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

"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.

11. Bag Makers is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

12. VOM is a "contaminant" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

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

Construction Permit Required

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

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

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

"Emission Source": Any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"New Emission Source": Any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Specified Air Contaminant": any air contaminant as to which this Subtitle contains emission standards or

other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

15. VOM is a "specified air contaminant" as that term is defined in Section 201.102 of the Board Air Pollution Regulations.

16. Beginning in 1996 and continuing until 2001, on dates better known to Bag Makers, Bag Makers constructed and began operating fifteen (15) flexographic printing presses at the Site without the required State construction permit. In 2003, on a date better known to Bag Makers, Bag Makers began constructing and may have begun operating its silk screening operation without the required State construction permit. This new equipment constituted "construction" of "new emission sources" as those terms are defined by Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

17. Bag Makers failed to obtain the required construction permit(s) from the Illinois EPA prior to constructing new emission sources at the Site.

18. Bag Makers' new emission sources were not exempted from the State permitting requirements by the Illinois EPA pursuant to Section 201.146 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.146.

19. By constructing new emission sources without obtaining any construction permits from the Illinois EPA, Bag Makers

violated Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, and thereby, violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, BAG MAKERS, INC., for the following relief:

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) (2002), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
3. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
4. Taxing all costs in this action, including attorney, expert witness and consultant fees, against the Respondent; and
5. Granting such other relief as the Board deems appropriate and just.

COUNT II
FAILURE TO OBTAIN OPERATING PERMITS FOR NEW EMISSION SOURCES

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 through 12, 14 through 16, and 18 of Count I as paragraphs 1 through 16 of this Count II.

17. Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides as follows:

Operating Permits for New Sources

No person shall cause or allow the operation of any new emission source or 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. Applications for operating permits shall be made at such times and contain such information (in addition to the information required by Section 201.157 as shall be specified in the construction permit.

18. Beginning in 1996 and continuing at least until 1998 when it became subject to the Clean Air Act Permitting Program ("CAAPP") permitting requirement, on dates better known to Bag Makers, Bag Makers operated its flexographic printing and silkscreen printing presses without the required State operating permits.

19. Bag Makers, by its actions and omissions as alleged herein, violated Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143, and thereby, violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, BAG MAKERS, INC., for the following relief:

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) (2002), and Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143;
3. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
4. Taxing all costs in this action, including attorney, expert witness and consultant fees, against the Respondent; and
5. Granting such other relief as the Board deems appropriate and just.

COUNT III
FAILURE TO OBTAIN A CLEAN AIR ACT PERMIT PROGRAM (CAAPP)
PERMIT

1-11. Complainant realleges and incorporates by reference herein paragraphs 1 through 7, 9 through 12, and paragraph 16 of Count I as paragraphs 1 through 11 of this Count III.

12. Information available to the Illinois EPA through inspections, permit applications and other documents submitted by Bag Makers to the Illinois EPA, indicates that since 1998, on dates better known to Bag Makers, Bag Makers has had a potential to emit ("PTE") of VOM greater than 25 tons per year, the threshold for a major source, and was thus required to obtain a CAAPP permit. On July 1, 2003, Bag Makers submitted a FESOP application, excluding the five (5) silk screening presses, at least six (6) years after it arguably became a major source. Bag Makers continues to operate without the required CAAPP permit or FESOP permit.

13. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2002), provides the following definitions:

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

"CAAPP Permit" or "permit" (unless the context suggests otherwise) 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.

"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.

"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.

14. Bag Makers owns or operates a stationary source as defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2002).

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

2. Applicability.

a. Sources subject to this Section shall include:

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

* * *

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

* * *

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

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or

"moderate", . . . 25 tons or more
per year in areas classified as
"severe", . . .

16. The Bag Makers Site is located in an area classified as "severe" nonattainment for ozone.

17. Since at least 1998, on dates better known to Bag Makers, Bag Makers has had a potential to emit VOM greater than 25 tons per year, and thus became a major source under Section 39.5(2)(c)(iii)(A) of the Act, 415 ILCS 5/39.5(2)(c)(iii)(A)(2002), and was required to obtain a CAAPP permit from the Illinois EPA.

18. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2002), provides in pertinent part as follows:

6. Prohibition

* * *

- b. . . . 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.

19. Since at least 1998, the exact date being best known by Bag Makers, Bag Makers has operated a major source without the requisite CAAPP permit.

20. By operating a major source without the requisite CAAPP permit, Bag Makers violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, BAG MAKERS, INC., for the following relief:

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)(2002);
3. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
4. Taxing all costs in this action, including attorney, expert witness and consultant fees, against the Respondent; and
5. Granting such other relief as the Board deems appropriate and just.

COUNT IV

FAILURE TO COMPLY WITH NEW SOURCE REVIEW (NSR) REQUIREMENTS

1-14. Complainant realleges and incorporates by reference herein paragraphs 1 through 7, 9 through 12, and paragraph 16 of Count I and paragraphs 13 through 16 of Count III as paragraphs 1 through 14 of this Count IV.

15. Section 9(a) of the Act, 415 ILCS 5/9(a)(2002), provides as follows:

No person shall:

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

16. 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").

17. 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 this Part for that pollutant.

18. Information available to the Illinois EPA through inspections, permit applications and other documents submitted to the Illinois EPA, indicates that beginning in 1998, the exact date being best known to Bag Makers, Bag Makers had a PTE of greater than 25 tons per year of VOM in a nonattainment area, when it added two (2) flexographic printing presses to its facility. Bag Makers added additional equipment to the facility in 1999, 2000, 2001 and 2003 and thus constructed a major

modification to its facility. Bag Makers failed to demonstrate compliance with the Board's NSR regulations prior to adding any of this equipment to its facility. The Respondent thereby violated Section 203.201 of the Board Major Source regulations, 35 Ill. Adm. Code 203.201, and thereby, also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, BAG MAKERS, INC., for the following relief:

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(a) of the Act, 415 ILCS 5/9(a) (2002) and Section 203.201 of the Board Major Source regulations;
3. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
4. Taxing all costs in this action, including attorney, expert witness and consultant fees, against the Respondent; and
5. Granting such other relief as the Board deems appropriate and just.

COUNT V
FAILURE TO SUBMIT TIMELY ANNUAL EMISSIONS REPORTS

1-11. Complainant realleges and incorporates by reference herein paragraphs 1 through 7 and 10 through 12 of Count I and paragraph 15 of Count IV as paragraphs 1 through 11 of this Count V.

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

"Air Pollution Control Equipment": Any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

"Emission Source": Any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"Owner or Operator": Any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

13. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

- a. 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 purposes of the Act and this Chapter.

14. Bag Makers is an "owner or operator" of an "emission source" as those terms are defined in Section 201.102.

15. Bag Makers is not exempt from the provisions of Section 201.302(a) of the Board Air Pollution Regulations, and therefore obligated to submit annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions.

16. Section 254.137(a) of the Illinois EPA Air Pollution Regulations provides as follows:

- a. All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

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

- a. Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

18. Bag Makers failed to timely submit Annual Emission Reports ("AERs") for calendar years 1996 through 2003. AERs for calendar years 1996 through 2003 were not submitted to the Illinois EPA until November 10, 2004.

19. By failing to submit timely AERs for the years 1996 through 2003, Respondent violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code Section 201.302(a), and Sections 254.137(a) and 254.132(a) of the

Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a) and 254.132(a), and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, BAG MAKERS, INC., for the following relief:

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(a) of the Act, 415 ILCS 5/9(a) (2002), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Sections 254.137(a) and 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a) and 254.132(a);

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

4. Taxing all costs in this action, including attorney, expert witness and consultant fees, against the Respondent; and

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

COUNT VI
VIOLATION OF FLEXOGRAPHIC PRINTING RULES:
FAILURE TO MAINTAIN RECORDS

1-11. Complainant realleges and incorporates by reference herein paragraphs 1 through 7 and 10 through 12 of Count I and paragraph 15 of Count IV as paragraphs 1 through 11 of this Count VI.

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, 35 Ill. Adm. Code 218.106, 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, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, consistent with the appropriate provisions of Section 218.103 of this Subpart.

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 McHenry County, Illinois.

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

Applicability

- 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:
 - 1) Total maximum theoretical emissions of VOM from all flexographic and rotogravure printing line(s) (including solvents used for cleanup operations associated with flexographic and rotogravure printing line(s)) at the source ever exceed 90.7 Mg (100 tons) per calendar year and the flexographic and rotogravure printing line(s) (including solvents used for cleanup operations associated with flexographic and rotogravure printing line(s)) at the source are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision; or

17. Respondent's fifteen (15) flexographic printing presses are exempt from the emissions limitations of 218.401 because its maximum theoretical emissions ("MTE") will be limited by a FESOP as provided in Section 218.402, 35 Ill Adm.

Code 218.402. Bag Makers is the "owner or operator" of flexographic printing emission sources.

18. Section 218.404(b) of the Flexographic Printing Rules, 35 Ill. Adm. Code 218.404(b), provides, in pertinent part, as follows:

Recordkeeping and Reporting

* * *

b) Any owner or operator of a printing line which is exempted from the limitations of Section 218.401 of this Part because of the criteria in Section 218.402 of this Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, the owner or operator of a flexographic and rotogravure printing line to which this subsection is applicable shall certify to the Agency that the flexographic and rotogravure printing line is exempt under the provisions of Section 218.402 of this Part. Such certification shall include:

A) A declaration that the flexographic and rotogravure printing line is exempt from the limitations of the criteria in Section 218.401 of this Part because of Section 218.402 of this Part, and

B) Calculations which demonstrate that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. . . .

2) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a flexographic and rotogravure printing

line referenced in this subsection shall collect and record all of the following information each year 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 year on each printing line.
- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a flexographic and rotogravure printing line exempted from the limitations of Section 218.401 of this Part because of the criteria in Section 218.402 of this Part shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

19. Beginning in 1996, on dates better known to Bag Makers, Bag Makers has failed to keep the required record and make the required reports to the Illinois EPA. Respondent has thereby violated Section 218.404(b) of the Flexographic Printing Rules, 35 Ill. Adm. Code 218.404(b), and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, BAG MAKERS, INC., for the following relief:

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(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 218.404(b) of the Flexographic Printing Rules, 35 Ill. Adm. Code 218.404(b);

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

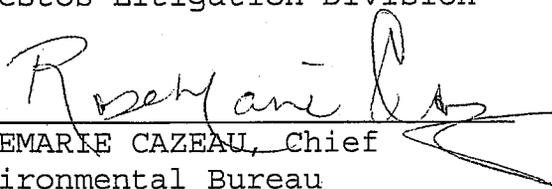
4. Taxing all costs in this action, including attorney, expert witness and consultant fees, against the Respondent; and

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

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

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

By:


ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

Jennifer A. Tomas
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, Suite 2001
Chicago, Illinois 60601
(312) 814-0609

CERTIFICATE OF SERVICE

I, JENNIFER A. TOMAS, an Assistant Attorney General, certify that on the 29th day of April 2005, I caused to be served by Certified Mail, Return Receipt Requested, the foregoing Complaint to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.


JENNIFER A. TOMAS