

ILLINOIS POLLUTION CONTROL BOARD
July 6, 2023

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 23-128
)	(Enforcement - Air)
SWAN SURFACES, LLC, a Delaware limited)	
liability company,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Van Wie):

On June 12, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eleven-count complaint against Swan Surfaces, LLC (Swan). The complaint concerns Swan’s solid surfaces manufacturing facility located at 200 Swan Avenue in Centralia, Marion County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Swan violated the Act and Board Air Pollution Regulations as follows:

- Count I: By failing to timely submit complete and accurate annual emissions reports (AERs) for 2018, 2019 and 2020 in violation of Sections 201.302(a) and 254.132(a) of the Board Air Pollution Regulations (35 Ill. Adm. Code 201.302(a), 254.132(a)), respondent thereby violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)).

- Count II: By failing to perform the Method 22 opacity observations for the stacks associated with the compound production and compression molding operations, the stacks and vents associated with solvent cleaning and recovery operations, and the chip grinding, fabrication shop, rectangular bins/cages and cylindrical vessels, and by failing to produce records and comply with the monitoring and recordkeeping requirements of Conditions 4.1.2(a)(ii)(A) and (B), 4.2.2(a)(ii)(A) and (B) and 4.3.2(a)(ii)(A) and (C) of Clean Air Act Permit Program (CAAPP) Permit 99010001 for 2018, 2019 and 2020, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2020)).

- Count III: By failing to conduct weekly inspections of the dust collectors, carbon absorbers, PM filters and carbon exhaust systems associated with the compound production and compression molding operations, and Dust Collectors 3, 4, 5, 6, 12, 13, 15, 16, 18 and 20, and by failing to produce records and comply with the inspection and recordkeeping requirements of Conditions 4.1.2(b)(ii)(A) and (B) and 4.3.2(a)(ii)(B) and (E)(1) of CAAPP Permit 99010001 for 2018, 2019, 2020 or 2021, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2020)).
- Count IV: By failing to keep and maintain records of repair of Dust Collectors 3, 4, 5, 6, 12, 13, 15, 16, 18 and 20 performed during 2018, 2019, 2020 or 2021 in violation of Condition 4.3.2(a)(ii)(E)(II) of CAAPP Permit 99010001, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 5/39.5(6)(a) (2020)).
- Count V: By failing to keep and maintain records of monthly compliance inspections and verifications of compliance with the work practice standards of Subpart WWWW of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the years of 2018, 2019, 2020 or 2021, and failing to ensure compliance with the NESHAP work practice standards as required by Sections 63.5805(b) and 63.5915(d) of Subpart WWWW of the NESHAP (40 C.F.R. § 63.5805(b), 63.5915(d)), and Conditions 4.1.2(d)(ii)(A)(II) and 4.1.2(d)(ii)(C)(II) of CAAPP Permit 99010001, respondent thereby violated Sections 9.1(d)(1) and 39.5(6)(a) of the Act (415 ILCS 5/9.1(d)(1), 39.5(6)(a) (2020)).
- Count VI: By failing to keep a maintenance log for covers on vats, vessels and tanks detailing maintenance work performed during 2018, 2019, 2020 or 2021 in violation of Condition 4.1.2(d)(ii)(C)(III) of CAAPP Permit 99010001, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 39.5(6)(a) (2020)).
- Count VII: By failing to submit to the IEPA semi-annual compliance reports detailing compliance with the provisions of Subpart WWWW of the NESHAP, as required by Section 63.5910(b)(3) of Subpart WWWW of the NESHAP and Conditions 4.1.5(b)(ii)(A) - (C) of CAAPP Permit 99010001, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 39.5(6)(a) (2020)).
- Count VIII: By failing to timely submit to the IEPA semi-annual Compliance Assurance Monitoring (CAM) reports for 2020 and failing to comply with the monitoring requirements of its CAM plan application in violation of Conditions 4.3.2(a)(ii)(F) and 7.4(c) of CAAPP Permit 99010001, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 39.5(6)(a) (2020)).

- Count IX: By failing to submit to the IEPA deviation reports in violation of Conditions 4.1.5(a)(ii), 4.2.5(a)(ii), and 4.3.5(a)(ii) of CAAPP Permit 99010001, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 39.5(6)(a) (2020)).
- Count X: By failing to timely submit to the IEPA complete and accurate annual compliance certifications for 2018, 2019 and 2020 in violation of Section 39.5(7)(p)(v)(C) of the Act and Condition 2.6(a) of CAAPP Permit 99010001, respondent thereby violated Sections 39.5(6)(a) and 39.5(7)(p)(v)(C) of the Act (415 ILCS 39.5(6)(a), 39.5(7)(p)(v)(C) (2020)).
- Count XI: By failing to submit to the IEPA complete and accurate semi-annual monitoring reports for 2020 in violation of Condition 3.5(b) of CAAPP Permit 99010001, respondent thereby violated Section 39.5(6)(a) of the Act (415 ILCS 39.5(6)(a) (2020)).

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On June 12, 2023, simultaneously with the People's complaint, the People and Swan filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Swan admits the alleged violations and agrees to pay a civil penalty of \$75,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 6, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board