

ILLINOIS POLLUTION CONTROL BOARD  
April 15, 2004

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
) PCB 03-220  
LEHIGH PRESS, INC., a Pennsylvania ) (Enforcement - Air)  
corporation a/k/a LEHIGH PRESS- )  
CADILLAC, LEHIGH CADILLAC-DIRECT, )  
LEHIGH DIGITAL, and LEHIGH DIRECT, )  
)  
Respondent. )

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

On May 29, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Lehigh Press, Inc. (Lehigh Press). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Lehigh Press violated Sections 9(a) and (b) and 39.5(6)(a) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and (b) and 39.5(6)(a) (2002)); 35 Ill. Adm. Code 218.407(a)(1)(C), 218.410(c)(2), and 218.411(b)(3); conditions 7.1.5(a), 7.1.3(e)(i)(C), and 7.1.9(c)(i) of CAAPP no. 95100080; and conditions 1.1.7(a) and 1.1.9(b)(i) for construction permit no. 01040039. The People further allege that Lehigh Press violated these provisions by causing, threatening, or allowing air pollution by operating its afterburner at a temperature lower than required; by failing to install, calibrate, operate, collect, and record data on its air pollution control equipment; and by reducing emissions from one unit to another in violation of its permit. The complaint concerns Lehigh Press's commercial printing facility at 25th and Lexington Avenue, Broadview, Cook County.

On March 12, 2004, the People and Lehigh Press 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in the *Pioneer Press* on March 17, 2004. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Lehigh Press's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and Lehigh Press have

satisfied Section 103.302. Lehigh Press denies the alleged violations but agrees to pay a civil penalty of \$30,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

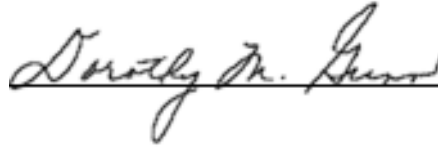
### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Lehigh Press must pay a civil penalty of \$30,000 no later than May 15, 2004, which is the 30th day after the date of this order. Lehigh Press must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Lehigh Press's federal employer identification number must be included on the certified check or money order.
3. Lehigh Press must send the certified check or money order to:  
  
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)). *See also* Section VII(A)(6) at page 10 of the stipulation for additional details.
5. Lehigh Press must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 15, 2004, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board