

ILLINOIS POLLUTION CONTROL BOARD  
April 18, 2013

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 13-25
	)	(Enforcement - Air)
DIVERSIFIED LABELING SOLUTIONS,	)	
INC., an Illinois corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.D. O’Leary):

On December 6, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Diversified Labeling Solutions, Inc. (Diversified). The complaint concerns Diversified’s printing facility located at 1285 Hamilton Parkway in Itasca, DuPage County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Diversified violated the following statutory and regulatory provisions: Sections 9(a), 9(b), 9.12(j), 39.5(5)(x), and 39.5(6)(b) of the Act (415 ILCS 5/9(a), 9(b), 9.12(j), 39.5(5)(x), 39.5(6)(b) (2010)); Sections 201.142, 201.143, 201.302(a), and 218.404(d)(1) of the Board’s air pollution regulations (35 Ill. Adm. Code 201.142, 201.143, 201.302(a), 218.404(d)(1)); and Section 254.137(a) of the Illinois Environmental Protection Agency’s air pollution regulations (35 Ill. Adm. Code 254.137(a)).

The People allege Diversified violated these provisions in the following manner: (1) by constructing 13 flexographic printing presses and six die cutting machines without a construction permit; (2) by operating eight flexographic printing presses without an operating permit; (3) by operating a major source without timely submitting an application for a Clean Air Act Permit Program (CAAPP) permit; (4) by failing to submit annual compliance certifications for the CAAPP; (5) by failing to timely submit Annual Emissions Reports (AERs); and (6) by failing to pay construction permit fees.

On April 15, 2013, the People and Diversified 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Diversified does not affirmatively admit the alleged violations but agrees to pay a total amount of \$20,000, consisting of a \$15,500 civil penalty for deposit into the Environmental Protection Trust Fund and a \$4,500 payment for deposit into the Environmental Protection Permit and Inspection Fund.<sup>1</sup>

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 18, 2013, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board

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<sup>1</sup> The proposed settlement refers to depositing the \$4,500 payment into the “Environmental Permit and Inspection Fund.” Stipulation at 8, 9. The Board assumes that the parties meant the Environmental *Protection* Permit and Inspection Fund, created under Section 22.8 of the Environmental Protection Act (415 ILCS 5/22.8 (2010)). The Board construes this omission as mere scrivener’s error.