



For Immediate Release
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MADIGAN, FEDERAL OFFICIALS ANNOUNCE AGREEMENT THAT BRINGS SCHAUMBURG COMPANY INTO COMPLIANCE WITH CLEAN AIR LAWS

Chicago - Attorney General Lisa Madigan has joined the federal government in a agreement that will resolve allegations that a Schaumburg company failed to adequately control air pollutants emitted from equipment operated at its plant.

Last November, the U.S. Department of Justice (DOJ) filed a complaint in federal district court in Chicago against Smurfit-Stone Container Enterprises, Inc., doing business as Smurfit-Stone Flexible Packaging, 1288 E. Tower Road in Schaumburg. On November 29, 2006, the DOJ filed a consent decree between the federal government, Madigan's office, Smurfit and Bluegrass Flexible Packaging Company, LLC, which purchased the facility last June. On December 6, 2006, Madigan's office, on behalf of the Illinois Environmental Protection Agency (IEPA), filed its own complaint, joining the federal case against Smurfit. Judge Ruben Castillo entered the consent decree in court today.

"My office will continue to work with the federal government to ensure that companies in our state abide by all state and federal laws that protect the air we breathe," Madigan said.

The lawsuits stem from alleged air pollution violations caused by Smurfit's operation of printing machinery at its facility. The suits allege that the facility failed to destroy the necessary percentage of volatile organic materials (VOMs) and hazardous air pollutants as required by the IEPA and the Illinois Pollution Control Board. Specifically, Madigan said claims against Smurfit include:

- Failure to control emissions of VOMs and HAPs from rotogravure units and flexographic printing units;
- Failure to maintain required operating temperature of the thermal oxidizer, a piece of pollution control equipment that incinerates pollutants;
- Failure to follow good operating practices for the thermal oxidizer;
- Exceeding the permitted monthly and annual VOM emission limits in its Clean Air Act permit;

- Failure to comply with the Emissions Reduction Market System (“ERMS”);
- Failure to conduct performance tests of the rotogravure unit in a timely manner; and
- Failure to keep required records and submit reports required by the National Emissions Standards for Hazardous Air Pollutants.

Madigan said the consent decree, which was subject to a 30-day public comment period, resolves the complaints of both her office and the federal government. It requires Smurfit to undertake the following actions:

- Install a regenerative thermal oxidizer (“RTO”) which destroys VOMs created by its printing lines. Smurfit has installed the RTO. Tests indicate that the company is in compliance with applicable laws at its flexographic and rotogravure printing lines.
- Pay to the IEPA the Alternative Compliance Market Account bill of \$151,440.36 to remedy the excess emissions of VOMs under the ERMS which is designed to improve air quality in Illinois.
- Pay a civil penalty of \$162,500 to the state of Illinois and \$162,500 to the United States.

Assistant Attorney General Matthew Marinelli is handling the case for Madigan’s Environmental Bureau.

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