

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)	
ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO.
)	(Enforcement)
BELLEVILLE SHOE)	
MANUFACTURING COMPANY,)	
a Delaware corporation,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, BELLEVILLE SHOE MANUFACTURING COMPANY, as follows:

COUNT I
FAILURE TO OBTAIN A CONSTRUCTION PERMIT

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2012).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2012), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), after providing the Respondent with notice and the opportunity for a meeting with the

Illinois EPA.

4. Respondent, Belleville Shoe Manufacturing Company, is a Delaware corporation registered to do business in Illinois. Respondent's registered agent is Eric Weidmann located at 100 Premier Drive, Belleville, Illinois 62220.

5. Respondent operates a boot manufacturing plant at 100 Premier Drive, Belleville, St. Clair County, Illinois 62220 ("Facility").

6. At all times relevant to this complaint, Respondent's primary business at the Facility was operating a boot manufacturing plant.

7. On May 2, 2002, Illinois EPA issued Respondent a Clean Air Act Permit Program ("CAAPP"), CAAPP Permit No. 95120100.

8. On September 5, 2007, Illinois EPA issued Respondent a renewal CAAPP Permit No. 95120100.

9. On December 5, 2011, Respondent submitted a CAAPP renewal application requesting that the source receive a Federally Enforceable State Operating Permit ("FESOP"). On February 22, 2012, Respondent submitted an update to the FESOP renewal application. These submissions indicated that Respondent had installed various emissions units at the Facility since the issuance of CAAPP Permit No. 95120100.

10. The emissions units at the Facility relevant to this Complaint include three Reaction Injection Molding (RIM) machines and one open pour machine.

11. At all times relevant to this Complaint, the RIM machines and the open pour machine utilized at the Facility are capable of emitting, and have emitted Volatile Organic Material, ("VOM"), which is a specified air contaminant as that term is defined in Section 201.102 of the Board's Air Pollution Control Regulations, 35 Ill. Adm. Code 201.102.

12. Respondent's operation of the Source is subject to the Act and the Illinois Pollution Control Board ("Board") and Illinois EPA rules and regulations for air pollution, which are found in Title 35, Subtitle B, of the Illinois Administrative Code ("Air Pollution Regulations").

13. Section 3.315 of the Act, 415 ILCS 5/3.315(2012), provides the following definition:

"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.

14. Respondent, a corporation, is a "person," as that term is defined in Section 3.315 of the Act, 415 5/3.315(2012).

15. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2012), provides the following definitions:

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

"CAAPP Permit" . . . 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.

16. At all times relevant to this Complaint, Respondent has been an "owner or operator" of a "CAAPP source", as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1)(2012).

17. On dates better known to the Respondent, the three RIM machines were installed

respectively in 2001, 2004, and 2008 and the open pour machine was installed in 2004.

18. Respondent installed and operated each item of equipment without first obtaining a construction permit from Illinois EPA.

19. Section 9 of the Act, 415 ILCS 5/9(2012) provides

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, (1) without a permit granted by the Agency unless otherwise exempt by this Act or Board regulations or (2) in violation of any conditions imposed by such permit.

20. Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides:

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.

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

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

* * *

"Specified air contaminants": 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.

* * *

22. The RIM machines and the open pouring machine have the potential to emit VOMs, which are specified air contaminants as that term is defined in Section 201.102 of the Board's Air Pollution Control Regulations, 35 Ill. Adm. Code 201.102.

23. The RIM machines and the open pouring machine are capable of emitting specified air contaminants, and therefore are emission sources as that term is defined under Section 201.102 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

24. By constructing the RIM machines and the open pouring machine without first obtaining a construction permit from the Illinois EPA for the construction of each emissions source, Respondent violated Section 9(b) of the Act, 415 ILCS 5/9(b)(2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, BELLEVILLE SHOE MANUFACTURING COMPANY:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter;
- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

COUNT II
FAILURE TO OBTAIN A COMPLETE AND ACCURATE CAAPP PERMIT

1-16. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count II.

17. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012), provides:

Prohibitions.

- b. After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, 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.

18. Respondent constructed and operated three RIM machines and one open pour machine which were not included in CAAPP Permit No. 95120100. In doing so, Respondent caused or allowed VOM emissions not prescribed by CAAPP Permit No. 95120100.

19. By operating the RIM machines and the open pouring machine without first obtaining a complete CAAPP permit from the Illinois EPA, Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012).

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- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter;
- E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

COUNT III
FAILURE TO TIMELY FILE ANNUAL COMPLIANCE CERTIFICATIONS

1-16. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count III.

17. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a)(2012), provides:

Prohibitions.

a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph 7(m) of this Section.

18. Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), provides:

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.

19. Respondent's CAAPP Permit No. 95120100 includes Condition 9.8, which states

in part:

Pursuant to Section 39.5(7)(p)(v) of the Act, the Permittee shall submit annual compliance certifications. The compliance certifications shall be submitted no later than May 1 or more frequently as specified in the applicable requirements or by permit conditions.

20. Pursuant to CAAPP Permit No. 95120100, Respondent was required to submit its complete and accurate annual compliance certifications no later than May 1 of each year.

21. For the calendar years between 2002 and 2010, Respondent submitted annual

compliance certifications that did not include information on the three RIM machines and one open pouring machine that were installed between 2001 and 2008.

22. For the calendar years between 2002 and 2010, Respondent failed to submit complete and accurate annual compliance certifications pursuant to CAAPP Permit No. 95120100.

23. On August 15, 2012, Respondent submitted revised annual compliance certifications for the calendar years 2007 and 2010.

24. Respondent did not submit complete and accurate annual compliance certifications for the calendar years between 2001 and 2010 by the prescribed May 1st permit deadline because the annual compliance certifications did not include information on the three RIM machines and one open pouring machine.

25. By failing to submit complete and accurate annual compliance certifications for the calendar years between 2002 and 2010, Respondent has violated Section 39.5(6)(a) and 9(a) of the Act, 415 ILCS 5/39.5(6)(a) and 9(a)(2012), and Condition 9.8 of CAAPP Permit No. 95120100.

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, BELLEVILLE SHOE MANUFACTURING COMPANY:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;

D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

COUNT IV
FAILURE TO TIMELY FILE ANNUAL EMISSIONS REPORTS

1-16. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count IV.

17. Complainant re-alleges and incorporates by reference herein paragraph 17 of Count III as paragraph 17 of this Count IV.

18. Section 201.302 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302, provides:

- (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.

19. Section 254.137 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 254.137, provides:

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

20. Section 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 254.132, provides:

- (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).

21. Respondent's CAAPP Permit No. 95120100 includes Condition 9.7, which states in part:

The Permittee shall submit an annual emissions report to the Illinois EPA, Compliance Section no later than May 1 of the following year, as required by 35 IAC Part 254.

22. Pursuant to CAAPP Permit No. 95120100, Respondent was required to submit a complete and accurate annual emissions report no later than May 1 of each year.

23. For the calendar years between 2001 and 2010, Respondent submitted annual emissions reports that did not include information on the three RIM machines and one open pouring machine that were installed between 2001 and 2008.

24. For the calendar years between 2001 and 2010, Respondent failed to submit complete and accurate annual emissions reports pursuant to CAAPP Permit No. 95120100.

25. On August 15, 2012, Respondent submitted revised annual emissions reports for the calendar years 2007 and 2010.

26. Respondent did not submit complete and accurate annual emissions reports for the calendar years between 2001 and 2010 by the prescribed May 1st permit deadline because the annual emissions reports did not include information on the three RIM machines and one open pouring machine.

27. By failing to submit complete and accurate annual emissions reports for the calendar years between 2001 and 2010, Respondent has violated Section 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a)(2012); Section 201.302 and 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302 and 254.132; and Condition 9.7 of CAAPP Permit No. 95120100.

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, BELLEVILLE SHOE MANUFACTURING COMPANY:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter;
- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

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

BY: Matthew J. Dunn
MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

Of Counsel
AMANDA KIMMEL
ARDC# 6303715
500 South Second Street
Springfield, Illinois 62706
217/557-5767
Dated:

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)	
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STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and BELLEVILLE SHOE MANUFACTURING COMPANY (“Respondent”) (“Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding, including any proceeding regarding the alleged violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2012), and the Board’s Regulations, except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. A Complaint was filed simultaneously with this Stipulation 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 upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2012).

3. At all times relevant to the Complaint, Respondent is and was a Delaware corporation registered to do business in Illinois. Respondent's registered agent is Eric Weidmann located at 100 Premier Drive, Belleville, Illinois 62220. At all times relevant to the Complaint, Respondent operated a boot manufacturing plant at 100 Premier Drive, Belleville, St. Clair County, Illinois 62220 ("Facility").

4. On May 2, 2002, Illinois EPA issued Respondent a Clean Air Act Permit Program ("CAAPP"), CAAPP Permit No. 95120100.

5. On September 5, 2007, Illinois EPA issued Respondent a renewal CAAPP Permit No. 95120100.

6. On dates better known to the Respondent, Respondent installed three Reaction Injection Molding (RIM) machines respectively in 2001, 2004, and 2008 and an open pour machine in 2004.

7. Plaintiff alleges that Respondent failed to obtain a construction permit from Illinois EPA before installing and operating each item of equipment. By not first obtaining a construction permit, various filings by the Respondent were not accurate and complete including CAAPP Permit No. 95120100, the annual compliance certifications for the calendar years 2002 through 2010, and the annual emissions reports for the calendar years 2001 through 2010.

8. On December 5, 2011, Respondent submitted a CAAPP permit renewal application requesting the source receive a Federally Enforceable State Operating Permit

("FESOP"). On February 16, 2011, Respondent submitted an update to the FESOP renewal application which disclosed the installation and operation of the three RIM machines and an open pour machine.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

- Count I: Failure to Obtain a Construction Permit.
Respondent constructed the RIM machines and the open pouring machine without first obtaining a construction permit, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b)(2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142.
- Count II: Failure to Obtain a Clean Air Act Permit Program Permit.
Respondent failed to obtain a complete and accurate CAAPP permit, in violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2012).
- Count III: Failure to Timely File Annual Compliance Certifications.
Respondent failed to submit complete and accurate annual compliance certifications for the calendar years 2002 through 2010, in violation of Section 39.5(6)(a) and 9(a) of the Act, 415 ILCS 5/39.5(6)(a) and 9(a)(2012), and Condition 9.8 of CAAPP Permit No. 95120100.
- Count IV: Failure to Timely File Annual Emissions Reports.
Respondent failed to submit complete and accurate annual emissions reports for the calendar years 2002 through 2010, in violation of Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a)(2012); Sections 201.302 and 254.132 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.302 and 254.132; and Condition 9.7 of CAAPP permit No. 95120100.

C. Non-Admission of Violations

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

D. Compliance Activities to Date

1. On December 5, 2011, Respondent submitted a CAAPP renewal application requesting that the source receive a Federally Enforceable State Operating Permit ("FESOP").

On February 22, 2012, Respondent submitted an update to the FESOP renewal application.

These submissions indicated that Respondent had installed various emissions units at the Facility since the issuance of CAAPP Permit No. 95120100.

2. On June 20, 2012, Respondent paid the previously avoided construction permit application fees in the amount of \$12,000.00.

3. On August 15, 2012, Respondent resubmitted complete and accurate annual compliance certifications and annual emission reports for the calendar years 2007 through 2010.

4. On September 11, 2012, Respondent submitted a revised annual compliance certification for the calendar year 2011 and revised annual emission reports for the calendar year 2007 through 2008.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c)(2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions,

discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Respondent's failure to obtain a construction permit, obtain a complete and accurate CAAPP permit, and submit complete and accurate annual compliance certifications and annual emissions reports hindered the Illinois EPA's ability to ensure compliance with applicable federal and state environmental laws and regulations.
2. There is social and economic benefit to the facility resulting from the manufacturing operations performed by Respondent at the facility.
3. Respondent's operations are suitable to the area in which they are located.
4. Obtaining a construction permit and a complete and accurate CAAPP permit and submitting complete and accurate annual compliance certifications and annual emissions reports are both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board Regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h)(2012), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Respondent failed to obtain a construction permit prior to the construction of three RIM machines respectively in 2001, 2004, and 2008 and the open pour machine in 2004. On December 5, 2011, Respondent submitted a CAAPP renewal application which indicated that Respondent had constructed the various emissions units at the Facility. On June 20, 2012, Respondent paid the previously avoided construction permit application fees in the amount of \$12,000.00.

The Respondent failed to obtain a complete and accurate CAAPP permit by not including the various emissions units that had been constructed at the facility in 2001, 2004, and 2008. On February 22, 2012, Respondent submitted a revised CAAPP renewal application and FESOP request. Respondent continues to operate pursuant to CAAPP Permit No. 95120100.

Respondent did not submit complete and accurate annual compliance certifications for the calendar years 2002 through 2010 and annual emissions reports for the calendar years 2001 through 2010. On August 15, 2012, Respondent resubmitted complete and accurate annual compliance certifications and annual emission reports for the calendar years 2007 through 2010. On September 11, 2012, Respondent submitted a revised annual compliance certification for the calendar year 2011 and revised annual emission reports for the calendar year 2007 through 2008.

2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, by submitting complete and accurate information for CAAPP Permit No. 95120100, annual compliance certifications, and annual emission reports, and paying the previously avoided construction permit application fees.

3. The economic benefit attributable to the noncompliance is limited to the avoided construction permit fees, which were subsequently paid to the Illinois EPA.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of twenty thousand dollars (\$20,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure pursuant to Section 42(i) of the Act, 415 ILCS 5/42(i)(2012), is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. On June 20, 2012, Respondent submitted a proposed Compliance Commitment Agreement ("CCA") under subsection (a) of Section 31 of the Act. On July 13, 2012, the Illinois EPA issued a Notice of Non-Issuance of CCA.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of twenty thousand dollars (\$20,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund

("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Amanda Kimmel
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. Respondent shall continue to operate the source consistent with the terms and conditions set forth within CAAPP Permit No. 95120100.
2. In addition to any other powers, authorities, and rights, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.
3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

4. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$ 20,000.00 penalty, its commitment to cease and desist as contained in Section V.D. above, and completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent and any of its officers, directors, shareholders, owners, agents, and employees, (collectively the "Released Parties") from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed simultaneous with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Released Parties.

F. Enforcement and Modification of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

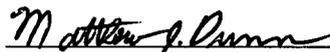
The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

LISA BONNETT, Director
Illinois Environmental Protection Agency

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

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 7/21/14

DATE: 7/17/14

BELLEVILLE SHOE
MANUFACTURING COMPANY

BY: 
Name: Mark Ferguson
Title: President

DATE: 6-24-14

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO.
)	(Enforcement)
)	
BELLEVILLE SHOE MANUFACTURING)	
COMPANY, a Delaware corporation,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2012), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012). In support of this motion, Complainant states as follows:

1. On today's date, July 22, 2014, a Complaint was filed with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

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

BY: s/Amanda Kimmel
AMANDA KIMMEL
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031

CERTIFICATE OF SERVICE

I hereby certify that I did on July 22, 2014, cause to be served by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT and MOTION FOR RELIEF FROM HEARING REQUIREMENT upon the following:

Adam D. Hirtz
Husch, Blackwell, Sanders, LLP
190 Carondelet Plaza, Ste. 600
St. Louis, MO 63105

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

s/ Amanda Kimmel
AMANDA KIMMEL
Assistant Attorney General

This filing is submitted on recycled paper.