

ILLINOIS POLLUTION CONTROL BOARD
July 11, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 99-192
) (Enforcement - Air)
GULCO CORPORATION, a Delaware)
corporation a/k/a GUTMANN LEATHER)
COMPANY, INC.,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On June 30, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Gulco Corporation (Gulco). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The People allege that Gulco violated Sections 9(a), 9(b), 39.5(6)(b) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b), 415 ILCS 5/39.5(6)(b)), 35 Ill. Adm. Code 201.141, 201.142, 201.143, 205.310(a), and 218.926 of the Board's air pollution regulations.¹ The People further allege that Gulco violated these provisions by failing to obtain a construction and operating permit, causing air pollution, operating without a Clean Air Act Permit, and failing to submit a timely earned reduction management system application. The complaint concerns Gulco's leather manufacturing facility at 1503-21 Webster Avenue, Chicago, Cook County.

On June 11, 2002, the People and Gulco 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Chicago Sun-Times* on June 13, 2002. 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) (2000); 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 Gulco's operations. Section 103.302 also requires that the parties stipulate to facts

¹ The Board notes that a violation of 35 Ill. Adm. Code 270.201(c) of the Illinois Environmental Protection Agency rules was also alleged.

called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2000)). The People and Gulco have satisfied Section 103.302. Gulco admits the violations regarding Sections 9(b) and 39.5(6)(b) of the Act, and 35 Ill. Adm. Code 201.142, 201.143, and 205.310(a) and agrees to pay a civil penalty of \$15,000. The Board accepts the stipulation and proposed settlement.

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

ORDER

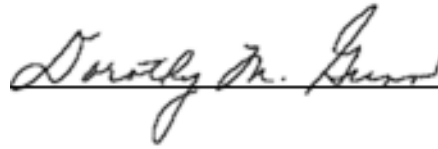
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Gulco Corporation must pay a civil penalty of \$15,000 no later than August 12, 2002, which is the 30th day after the date of this order. Gulco Corporation must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Gulco Corporation's social security number or federal employer identification number must be included on the certified check or money order.
3. Gulco Corporation 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 62702-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Gulco Corporation 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) (2000); *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 July 11, 2002, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board