

ILLINOIS POLLUTION CONTROL BOARD
May 5, 2005

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 04-135
) (Enforcement - Air)
GF OFFICE FURNITURE, LTD. L.P., a)
limited partnership, OFFICE SUITES, INC.,)
an Illinois corporation and subsidiary of GF)
OFFICE FURNITURE, LTD. L.P., and GF)
FURNITURE HOLDING, INC., a foreign)
corporation and general partner of GF OFFICE)
FURNITURE, LTD. L.P.,)
)
Respondents.)

ORDER OF THE BOARD (by N.J. Melas):

On January 30, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against GF Office Furniture, LTD L.P., Office Suites, Inc. (Office Suites), and GF Furniture Holding, Inc. (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that the respondents violated Section 9(a) and 39.5 of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 39.5 (2002)); 35 Ill. Adm. Code 201.141, 205.200; and 205.205; and conditions 6.3(b) and 9.2.1 of the Clean Air Act Permit Program permit number 96020120. The People further allege that the respondents violated these provisions by: (1) emitting volatile organic material (VOM) and particulate matter so as to cause or tend to cause air pollution; (2) failing to participate in the emission reduction market system (ERMS) to the extent necessary to cover its emissions of more than 10 tons of VOM in a year; and (3) failing to obtain an exemption from ERMS by operating with seasonal VOM emissions of no more than 15 tons. The complaint concerns the respondents' wooden office furniture manufacturing facility at 1034 South Kostner Ave., Chicago, Cook County. Today the Board accepts the parties' stipulation and proposed settlement.

On March 24, 2005, the People and the respondents 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. The newspaper notice was published in the *Chicago Sun-Times* on April 1, 2005. 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 respondents' 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 respondents have satisfied Section 103.302. Under the proposed stipulation, the respondents do not admit nor deny the allegations, and respondent Office Suites agrees to pay a civil penalty of \$30,000. In addition to a civil penalty, Office Suites, Inc. agrees to provide emissions excursion compensation in the amount of \$38,590.26 to the Agency, pursuant to Section 205.720(b) of the Board's Air Pollution Regulations. 35 Ill. Adm. Code 205.720(b).

Office Suites' payment of the civil penalty and emissions excursion compensation releases, waives and discharges all of the respondents from any further liability or penalties for the violations alleged in the complaint. 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. Office Suites, Inc. (Office Suites) must pay a civil penalty of \$30,000 no later than June 4, 2005, which is the 30th day after the date of this order. Office Suites must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and respondent's federal employer identification number must be included on the certified check or money order.
3. Office Suites must send the certified check or money order to:

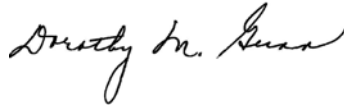
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Office Suites must pay emissions excursion compensation to the Illinois Environmental Protection Agency in the amount of \$38,590.26 pursuant to the terms of the stipulation and proposed settlement.
5. 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)).

6. Respondents, GF Office Furniture, Ltd. L.P., Office Suites, and GF Furniture Holding, Inc., 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 May 5, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board