

ILLINOIS POLLUTION CONTROL BOARD  
May 1, 2003

BRIAN FINLEY, individually, LOCAL 3315 of )  
the AMERICAN FEDERATION OF STATE, )  
COUNTY, & MUNICIPAL EMPLOYEES )  
(COOK COUNTY PUBLIC DEFENDERS )  
ASSOCIATION), and the following additional )  
individuals: LISA A. KOSOWSKI, QUENTIN )  
PITLUK, MARTHA C. NEIRA, JOEL TOBIN, )  
TACYE VERSHER, SEAN VARGAS- )  
BARLOW, ROSA FLORES, DANITA KIRK, )  
JENNIFER BOROWITZ-GUTZKE, OPHELIA )  
BARNER-COLEMAN, KARIN WENZEL, )  
BARBARA A. BLAINE, VALLERIA )  
FORNEY, JAMES BURTON, AMANDA )  
LAMERATO, JENNIFER HOMBURGER, )  
THOMAS GRIPPANDO, KATE HAARVEI, K. )  
MARY FLYNN, CHRIS WILLIAMS, ALPA J. )  
PATEL, PAMELA D. MOSS, LILIANA J. )  
DAGO, PATRICIA CINTRON-BASTIN, )  
TAMMY EVANS, CELESTE K. JONES, )  
WILLIAM A. GOMEZ, KAREN MAHER, )  
TRESA LOUISE JACKSON, MARCIA G. )  
HAWK, MARIZOL RODRIGUEZ, MODHURI )  
K. PATEL, JOSE A. PEREZ, NICHOLAS A. )  
YOUNGBLOOD, CATHLEEN REYNOLDS, )  
DAWN M. ROESENER, KIMBERLIE BOONE,) )  
AMY E. McCARTHY, QUENTIN HALL, )  
GWENDALYN GRANT, GAIL DAILY, )  
COREY E. MYERS, MARIA DI CRESCENZO, )  
MARIBEL RODRIGUEZ, FELICIA BATES, )  
DARNELL TROTTER, HATTIE MARTIN, )  
AUGUSTUS PINCKNEY, GEORGE )  
SANCHEZ, LIZETTE U. McBRIDE, )  
DEBORAH BUFFKIN, RONALD JACKSON, )  
JOANNE MORRISON, VALARIE M. )  
COURTO-HILL, KIMBERLY TURNER, )  
CONSTANCE L. HARRIS, STEPHANIE )  
FLOWERS, B. YVONNE YOUNGER, DORIS )  
J. YUFUF, LUCRETIA ROGERS, DANA N. )  
LOCKETT, TAMARA BRASS, JAMES )  
COLEMAN, SIDNEY TYUS, JACK L. )  
McBRIDE, PHYLLIS RYAN, DORIS LOPEZ, )  
SHIRLEY A. VESSEL, MARY PEARSON, )  
ANGELINE RECANDEZ, DELORES )

WASHINGTON, PATRICIA M. SALORIO, )  
MICHELLE E. HOLMES, RY HANNAH, )  
ADDIE HAWKINS, RONALD DOZIER, )  
BARBARA GORDON, RALPH LEAKES, )  
WILLIE LEAKS, JR., THEODORE )  
SHORTER, JR., QUDALLA WARD, )  
MICHAEL JONES, PEARLIE MAE MOSS, )  
SHEILA DUNN, SHARON LEE, LAVERNE )  
BULLOCK, HELEN CHARLES, EDWARD J. )  
POE, ANTHONY BINGHAN, RENETTA )  
GLASS WARD, LILLIAN OWENS, FREDDIE )  
JOHNSON, MINNIE HORTON, CARL )  
TRIBBLE, SR., CLAY APPLETON, SAM )  
JOHNSON, GENEVA L. CHARLES and )  
NATHANIEL CHARLES, )  
) )  
Complainants, )  
) )  
v. )  
) )  
IFCO ICS-CHICAGO, INC. )  
) )  
Respondent. )

PCB 02-208  
(Citizens Enforcement – Air)

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On May 21, 2002, Local 3315 of the American Federation of State, County & Municipal Employees (AFSCME), Brian Finley, and other named individuals (complainants) filed a complaint alleging that IFCO ICS-Chicago, Inc. (IFCO) violated Section 9(a) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) (2002)) by emitting chemicals, odors, and smoke into the environment, resulting in air pollution. IFCO’s facility is located at 2300 West 13th Street in Chicago, Cook County.

On November 18, 2002, the parties filed a stipulation and proposal for settlement, and a joint motion asking the Board to dismiss the complaint. On December 5, 2002, the Board issued an order that denied the joint motion to dismiss the complaint, and directed the parties to proceed to a hearing on the proposed settlement.

A hearing on the stipulation was held on February 10, 2003. No members of the public were present. At hearing, the parties presented the stipulation, and summarized the contents therein. The stipulation was admitted into the record as an exhibit.

In the stipulation, the respondent denies the alleged violations, but agrees to permanently shut down its facility on or before May 31, 2003.

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 respondent's 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 parties have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

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

### **ORDER**

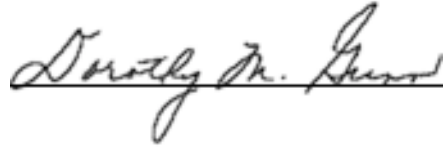
1. The Board accepts and incorporates by reference the stipulation and proposal for settlement.
2. The Title V – Clean Air Act Permit Program Permit and Title I Permit, ID # 031600ASD (Application # 95120305), issued on March 23, 2000 for the 2300 W. 13th Street, Chicago facility is hereby revoked as of May 31, 2003, if not already voided, revoked or terminated by that date.
3. IFCO ICS-Chicago, Inc. must permanently shutdown its reconditioning operations at the 2300 W. 13th Street, Chicago facility on or before May 31, 2003.
4. IFCO ICS-Chicago, Inc. must notify the complainants in writing when the activities required by paragraph 3 of this order have been completed. Notification must be provided within seven (7) days of completion and be sent to:
 

Richard M. Kates, Esq.  
155 N. Michigan Avenue  
Suite 700  
Chicago, Illinois 60601
5. IFCO ICS-Chicago, Inc. must comply with all requirements of Act, (415 ILCS 5/1 *et seq.* (2002)), and Board regulations.

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 1, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board