

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-473
)
)
 ILLINOIS MOULDING COMPANY, an)
 Illinois corporation,)
)
 Respondent.)

The Honorable William J. Scott, Attorney General, by James Dobrovolny appeared on behalf of Complainant
Mr. Edward Stone of the firm Barnard & Barnard appeared on behalf of Respondent

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

A Complaint was filed by the Environmental Protection Agency (Agency) on December 15, 1975 against Illinois Moulding Company (Illinois Moulding) alleging that Illinois Moulding was in violation of Rule 103(b)(2) of Chapter 2, Part I of the Air Pollution Control Regulations and Section 9(b) of the Environmental Protection Act (Act) in that it did not obtain operating permits from the Agency for various pieces of pollution control equipment at its facility on South Western Avenue, Chicago, Cook County, Illinois.

Illinois Moulding owns and operates a facility for the manufacture of wood picture frames and wall decorations. The facility includes twenty-eight pieces of wood-working machinery controlled by three cyclones, eight double spray booths controlled by dry filters, three flow coaters, one drying oven, two oil fired boilers, one sawdust fired boiler, and two 5,000 gallon oil storage tanks. On December 29, 1975, the Agency filed a Request for Admissions of Fact to which Illinois Moulding failed to respond. Under Rule 314(a) of the Board's Procedural Rules, Illinois Moulding is deemed to have admitted the matters of fact as listed in the Agency's Request for Admissions of Fact. These admissions are enough to find Illinois Moulding in violation as alleged in the Agency's Complaint. In addition, the alleged violations were generally admitted by Illinois Moulding during the course of the hearing (R.66-68).

During the hearing Illinois Moulding offered testimony concerning its attempts to acquire the required permits, including four applications sent to the Agency in 1973, all of which were denied. Illinois Moulding's president also testified that the company had been hard hit by the recent economic slump and had lost some \$300-400,000.00 each year for the last few years. In addition, evidence was presented that indicated a lack of communications within the corporation and suggested that the company did not have an active registered agent from 1973 until approximately the time of the hearing.

At the present time Illinois Moulding has reapplied for operating permits for all of the equipment in the facility except the sawdust-fired boiler. With respect to the sawdust-fired boiler, Illinois Moulding proposes to shut the boiler down in early summer, clean it out and slightly modify the stack. At this time Illinois Moulding proposes to make a stack test of the boiler (Respondent's Ex. 1A, p.7).

In light of the admissions and the testimony of Illinois Moulding at the hearing herein, the Board finds that the company was in violation of Rule 103(b)(2) of Chapter 2, Part I of the Air Pollution Control Regulations and of Section 9(b) of the Environmental Protection Act (Act) from March 1, 1973 through the date of filing of the Complaint herein in that it operated its double spray booths without the necessary operating permits from the Agency. In addition, the company is found to be in violation of Rule 103(b)(2) of the Regulations and Section 9(b) of the Act from June 1, 1973 through the date of filing of the Complaint herein in that it operated twenty-eight pieces of woodworking machinery controlled by various types of air pollution control equipment without an operating permit from the Agency.

Section 33(c) of the Act requires the Board to consider the following factors in making its orders and determinations: 1) the degree of injury to the public, 2) the social and economic value of the pollution source, 3) the suitability of the pollution source to its area of location, and 4) the technical practicability and economic reasonableness of reducing the emissions. Evidence in the record indicated that the injury to the public in this case is that injury inherent in a violation of the permit requirements rather than any environmental harm. The social and economic value of the source as well as the suitability of its location are evidenced by the fact that it has been in existence at its present location for 85 years and presently employs 300 people who are for the most part residents of the neighborhood in which the plant is located (R.20).

As noted previously, however, the company is currently undergoing a financial loss due to the recent economic slump. Illinois Moulding indicated in Exhibit 1A that it has spent \$30,000.00 in the past six years to reduce its sawdust emissions and anticipates spending another \$40,000.00, a considerable financial burden to the company at this time.

Considering Illinois Moulding's good faith attempts at acquiring the permits and its unfortunate internal problems previously noted, the Board finds that a penalty of \$300.00 will be sufficient to uphold the integrity of the permit system in this case. In addition, Illinois Moulding will be ordered to follow through with its proposed compliance plan with regard to the sawdust-fired boiler as indicated in its Exhibit 1A which is hereby incorporated by reference as if fully set forth herein.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that

1. Illinois Moulding Company was in violation of Rule 103(b)(2) of Chapter 2, Part I of the Air Pollution Control Regulations and Section 9(b) of the Act from March 1, 1973 through the filing of the Complaint herein and that it operated its double spray booths without an operating permit from the Illinois Environmental Protection Agency.
2. Illinois Moulding was in violation of Rule 103(b)(2) of Chapter 2, Part I of the Air Pollution Control Regulations and Section 9(b) of the Act from June 1, 1973 until the filing of the Complaint herein in that it operated its twenty-eight pieces of woodworking machinery control equipment without an operating permit issued by the Illinois Environmental Protection Agency.
3. For the violations noted in Part I and Part II of this Order, Illinois Moulding is hereby assessed a penalty of \$300.00 to be paid by certified check or money order within 35 days of the date of this Order to:

State of Illinois
Environmental Protection Agency
Fiscal Services Department
2200 Churchill Road
Springfield, Illinois 62706

4. Illinois Moulding shall complete a compliance schedule as noted in their Exhibit 1A on page 7 as previously incorporated herein by reference.

5. Illinois Moulding shall apply for and receive operating permits for all of the equipment noted herein within 180 days of the date of this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 22nd day of July, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board