

ILLINOIS POLLUTION CONTROL BOARD  
November 19, 1987

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 86-136  
 )  
PAR STEEL PRODUCTS AND )  
SERVICE, CO. INC., )  
an Illinois Corporation, )  
 )  
Respondent. )

MR. GERALD KARR, ASSISTANT ATTORNEY GENERAL AND MR. JOSEPH  
PODLEWSKI APPEARED ON BEHALF OF COMPLAINANT, ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY;

MR. MELBOURNE A. NOEL, JR. OF LASER, SCHOSTOCK, KAPLAN AND FRANK  
APPEARED ON BEHALF OF RESPONDENT, PAR STEEL PRODUCTS COMPANY,  
INC.

OPINION AND ORDER OF THE BOARD: (by J.D. Dumelle):

This matter comes before the Board on a September 5, 1986  
three [3] count Complaint filed on behalf of the Illinois  
Environmental Protection Agency [Agency] by the Illinois Attorney  
General's Office. Count I alleges failure to obtain required  
construction permit[s]. Count II alleges failure to obtain  
required operating permit[s]. Count III alleges failure to  
submit a fugitive particulate matter operating program.

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Hearing was held at 100 W. Randolph Street, Suite #11-500,  
Chicago, IL on June 29, 1987, both parties were represented by  
counsel and no members of the public attended or participated.

Respondent, an Illinois Corporation located at 383 E. 16th  
Street, Chicago Heights, Il. manufactures and installs steel  
shelving units and display racks for commercial and industrial  
establishments. Respondent also manufactures composite shelves  
of metal and wood. Hot degreasers, spray paint booths, a curing  
oven and three wood saws are utilized by Respondent in its daily  
manufacturing operations.

At hearing the parties introduced a Stipulation And Proposal  
For Settlement. That Stipulation is attached and addresses the  
facts in this matter. In sum, Respondent admits to the  
violations and agrees to pay a penalty of five thousand dollars  
[\$5,000] to the Environmental Protection Trust Fund. The  
Stipulation elucidates the pertinent facts.

The Board has considered all the facts, circumstances and the proposed settlement in light of the criteria set forth at Ill. Rev. Stat. ch 111 1/2 par 1033(c) and finds the Stipulation And Proposal For Settlement acceptable under 35 Ill. Adm. Code Section 103.180. Accordingly, the Board orders Respondent to comply with the order set forth below.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Board finds Respondent, Par Steel Products and Service Company, Inc., in violation of Ill. Rev. Stat. ch 111 1/2 par 1009(a), 1009(b) and 35 Ill. Adm. Code Sections 201.144, 201.143, 212.309. The Board therefore accepts the Stipulation And Proposal For Settlement executed by Complainant, Illinois Environmental Protection Agency and Respondent, Par Steel Products and Service Company, Inc., filed with this Board on July 21, 1987. The terms and conditions for Settlement, which is attached hereto, and made a part hereof, are incorporated into this Order.
2. Respondent shall, by certified check or money order, payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay the sum of five thousand dollars [\$5,000]. The sum shall be paid within 30 days of the date of this order. Payment shall be mailed to:

Fiscal Services Division  
 Illinois Environmental Protection Agency  
 2200 Churchill Road  
 Springfield, IL 62706

IT IS SO ORDERED.

Board Member J. Theorore Meyer dissented

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 19th day of November, 1987 by a vote of 6-1.

*Dorothy M. Gunn*  
 \_\_\_\_\_  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board



Received  
Joint Exhibit #1  
June 29, 1987  
John Sela  
Head Officer  
L. M. W. S.  
S. J.

STATE OF ILLINOIS )  
                          )  
COUNTY OF COOK    )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION    )  
AGENCY,                                    )

Complainant,                            )

v.    )

PAR STEEL PRODUCTS and SERVICE CO.,    )  
INC., an Illinois corporation,            )

Respondent.                              )

PCB 86-136

STIPULATION AND PROPOSAL FOR SETTLEMENT

Now comes Complainant, Illinois Environmental Protection Agency, by its Attorney, Neil F. Hartigan, Attorney General of the State of Illinois, and Respondent, Par Steel Products and Service Company, Inc., an Illinois corporation, by its attorney Melborune Noel, and do hereby submit this Stipulation and

Proposal for Settlement. The parties agree that statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the ~~parties~~ <sup>Agency</sup> if a full hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding except to enforce the terms hereof by the parties to this agreement. The agreement shall be null and void unless the Illinois

*Neil F. Hartigan*  
*Melborune Noel*

Pollution Control Board (hereinafter "Board"), approves and disposes of this matter on each and every one of the terms and conditions of the settlement set forth herein.

STATEMENT OF FACTS

1. Complainant, Illinois Environmental Protection Agency (hereinafter "Agency"), is an administrative agency established in the executive branch of the State government by Section 4 of the Illinois Environmental Protection Act (hereinafter "the Act"), Ill. Rev. Stat., ch. 111-1/2, par. 1001 et seq., 1985, and charged, inter alia, with the duty of enforcing the Act, pursuant to Title VIII thereof and recovering civil penalties pursuant to Title XII thereof.

2. Respondent, Par Steel Products and Service Company, Inc., (hereinafter "Par") is an Illinois corporation which has at all times pertinent hereto transacted business in the State of Illinois. At all times relevant to this action, Par has caused or allowed the operation of a business located at 383 East 16th Street, Chicago Heights, Cook County, Illinois.

3. Par manufactures and installs steel shelving units and display racks for commercial and industrial establishments. Par also manufactures composite shelves of metal and wood. In the manufacturing process Par uses a hot degreaser, spray paint booths, a curing oven and three wood saws.

4. On July 11, 1985 an Agency employee observed the installation of a wood saw at Par's facility. The Agency has never granted Par a permit to install or construct this wood saw.

5. Since July 11, 1985 and until the filing of the complaint in this action Par caused or allowed the construction of a wood saw without an Agency permit, in violation of Section 9(b) of the Act and 35 Ill. Adm. Code Section 201.142.

6. Since July 11, 1985 and up to and including the time of filing the complaint in this action, Par has caused or allowed the operation of a hot degreaser and three wood saws without the Agency ever granting operating permits for these emission sources, in violation of Section 9(b) of the Act and 35 Ill. Adm. Code Section 201.143.

7. Since July 11, 1985 and up to and including the filing of the complaint in this action Par ~~has~~ failed to <sup>obtain approval for</sup> ~~secure~~ a fugitive particulate matter operating program, in violation of Section 9(a) of the Act and 35 Ill. Adm. Code Section 212.309. *M.H.*  
*L.H.*

8. By a letter dated September 11, 1985 Par was notified of these apparent violations and given an opportunity to meet with Agency personnel to resolve these problems. Par failed to respond to the letter.

9. On August 11, 1986 Par submitted to the Agency the appropriate operating permit applications and a fugitive particulate matter operating program.

10. A complaint was filed on September 5, 1986 alleging the above violations.

11. On September 19, 1986, the Agency granted Par's operating permit for its wood saws and degreaser and on September 22, 1986 found its fugitive particulate matter operating program to be acceptable. (Copies attached as Exhibit A and B respectively)

#### PROPOSAL FOR SETTLEMENT

As a result of the settlement discussions between the parties and of actions taken by Par, the parties believe the public interest will be best served by resolution of this enforcement action under the terms and conditions provided herein. This proposal for settlement is expressly conditioned upon and effective only with the approval thereof in all respects by the Board. All statements contained herein are agreed to for the purposes of settling this action only and shall be null and void and of no effect in any further proceeding or cause of action if the Board does not approve this proposal for settlement in its entirety.

#### TERMS OF SETTLEMENT

Par and the Agency have agreed to the following Terms of Settlement. These terms shall be in full settlement of the action filed herein by the Agency and Respondent's liability for all violations ~~alleged~~ *which were or which could have been alleged* in the complaint. *Det* *M.A.* *W.H.*

1. The Agency contends and Respondent admits the facts as set out in the Complaint constitute the following violations of the Act and the Board Regulations:

- Count I: Section 9(b) of the Act and 35 Ill. Adm. Code  
Section 201.142.
- Count II: Section 9(b) of the Act and 35 Ill. Adm. Code  
Section 201.143.
- Count III: Section 9(a) of the Act and 35 Ill. Adm. Code  
Section 212.309.

2. Respondent agrees to abide by all terms and conditions of all operating permits issued by the Agency.

3. Respondent agrees to cease and desist from any and all violations of the Illinois Environmental Protection Act and Rules and Regulations of the Illinois Pollution Control Board.

4. The parties enter into this Stipulation and Proposal for Settlement and Respondent agrees to pay a penalty specified in this paragraph in order to avoid the substantial costs, inconveniences, uncertainties of further litigation. In order to resolve this dispute and as a condition of settlement, Respondent agrees to pay a penalty of five thousand dollars (\$5,000.00) into the Environmental Protection Trust Fund within 30 days from the date on which the Board adopts a final order approving, accepting and incorporating this Stipulation and Proposal for Settlement. The Agency deems the payment to be appropriate to aid in the enforcement of the Act under the circumstances of this case. Factors bearing on this penalty amount include the ease with which Respondent could achieve compliance and the lack of substantial harm to the environment while out of compliance.

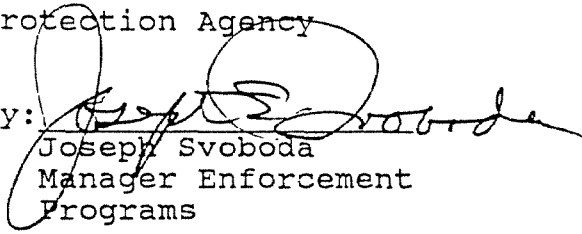


WHEREFORE, Complainant and Respondent jointly request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

For Complainant

Illinois Environmental  
Protection Agency

By:

  
Joseph Svoboda  
Manager Enforcement  
Programs

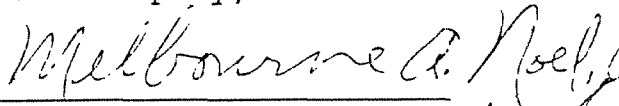
Dated:

7/9/87

For Respondent

Par Steel Products and  
Service Company, Inc.

By:

  
Melbourne A. Noel,  
Attorney for Par Steel

6/29/87



217/782-2113

OPERATING PERMIT

PERMITTEE

Far Steel Products & Services Co., Inc.  
Attention: John Fink  
303 East 16th Street  
Chicago Heights, Illinois 60411

Application No.: 85000030	I.D. No.: 031045AER
Applicant's Designation: DORSER SAW	Date Received: August 11, 1966
Subject: Degreaser & Saws	
Date Issued: September 19, 1966	Expiration Date: August 11, 1991
Location: 303 East 16th Street, Chicago Heights	

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of one degreaser and three saws with one cyclone and one fabric filter as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

The Agency's Division of Water Pollution Control has determined that the process wastewater discharge from your facility requires an Operating Permit in accordance with 35 Ill. Adm. Code 309.204.

Enclosed are copies of the permit application forms to be completed and submitted to the Division of Water Pollution Control, Permit Section at the address indicated above. Should you have any questions regarding this requirement, contact Joe Subito at 217/782-0610.

Blairt Mathers, P.E.  
Manager, Permit Section  
Division of Air Pollution Control

SM:CPM:jrr/CUR 9A/77  
*CR m 1/2/86*  
cc: Region I  
EAPC Permits



*EPA/PA Coke "A"*

OCT 27 1986

217/782-2113

Operating Program for Fugitive Dust  
Notice of Acceptable Program  
I.D. 037845/ER

RECEIVED  
OCT 27 1986  
CHICAGO OFFICE

September 23, 1986

OCT 01 1986

Par Steel Products & Services Co., Inc.  
Attention: John Fink  
363 East 16th Street  
Chicago Heights, Illinois 50411

ENVIRONMENTAL PROTECTION AGENCY  
STATE OF ILLINOIS

Dear Mr. Fink:

The Agency has reviewed the operating program submitted by Par Steel Products & Services Company, Inc. in order to comply with 35 Ill. Adm. Code 212.300 and 212.310. This program is acceptable.

Any changes in the control program should be submitted to the Agency.

Very truly yours,

Bharat Mathur, P.E.  
Manager, Permit Section  
Division of Air Pollution Control

DM:CRM:jmm/0012A/78  
*CRM 9/2 = 186*  
cc: FOS Region

CERTIFICATE OF SERVICE

I, GERALD T. KARR, an attorney hereby certify that I caused a true and accurate copy of the attached Stipulation and Proposal For Settlement to be served upon,

Joshua Sachs  
Hearing Officer  
127 North Dearborn Street  
Suite 930  
Chicago, Illinois 60602

Melbourne Noel  
Laser, Schostok, Kolman & Frank  
189 West Madison Street  
Chicago, Illinois 60602

by causing said copy to be mailed first class mail postage pre-paid, to the addresses indicated above, from 100 West Randolph Street, Chicago, Illinois 60601, on July 21, 1987.



GERALD T. KARR