

ILLINOIS POLLUTION CONTROL BOARD
MAY 28, 1987

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-148
)
YALE POLISHERS AND PLATERS, INC.,)
an Illinois corporation.)
)
Respondent.)

MR. MICHAEL J. MAHER AND MS. CARLA D. DAVIS, ASSISTANT ATTORNEYS GENERAL, APPEARED ON BEHALF OF COMPLAINANT.

MR. HARVEY ROTH AND MR. MICHAEL VALENTA APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon a settlement stipulation ("stipulation") filed by the Illinois Environmental Protection Agency ("Agency") and Yale Polishers and Platers, Inc. Hearing was held on May 20, 1987.

This proceeding was initiated by the filing of a Complaint by the Agency on September 15, 1986. The Complaint alleges that from at least March 31, 1983, and up to and including the time of filing of the Complaint, Respondent caused or allowed the operation of its polishing and grinding stations and its electroplating tanks without the Agency having granted operating permits. The Complaint further alleges that as a result of failure to obtain the required permits, Respondent has violated Section 9(b) of the Environmental Protection Act (Ill. Rev. Stat. 1985 ch. 111 1/2, par. 1001 et seq.) and Section 201.144 of the Air Pollution Control Regulations of the Pollution Control Board.

Respondent submitted the appropriate permit applications to the Agency on October 3, 1986. The permit was issued on November 3, 1986 (Stipulation, p. 3).

In the stipulation Respondent admits that the facts as set out in the Complaint constitute violations as alleged. Respondent also stipulates that it agrees, inter alia, to expeditiously correct any errors in its permit application, to abide by all terms and conditions of all operating permits issued by the Agency, 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, and to pay a penalty of \$5,000.00 into the Environmental Protection Trust Fund.

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. Moreover, the Board finds the stipulated penalty to be necessary to aid in the enforcement of the Act. Accordingly, the Board will order Respondent to comply with all of the terms and conditions of the stipulation, as agreed-upon by the parties.

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


ORDER

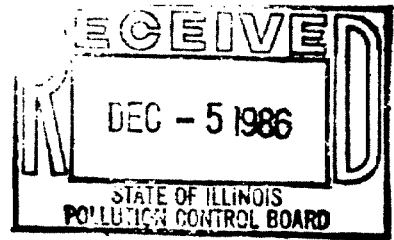
It is the Order of the Illinois Pollution Control Board that:

1. Respondent has violated Section 9(b) the Environmental Protection Act and 35 Ill. Adm. Code 201.144.
2. Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on December 5, 1986, which is attached and incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 28th day of May, 1987, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



STATE OF ILLINOIS)
COUNTY OF COOK)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 86-148
YALE POLISHERS AND PLATERS, INC.,)
an Illinois corporation,)
Respondent.)

NOTICE OF FILING

TO: Mr. Harvey Roth
President
Yale Polishers and
Platers, Inc.
5247 South Keeler Avenue
Chicago, Illinois 60632

Mr. Robert Handelsman
Hearing Officer
2643 Central Park
Evanston, Illinois 60201

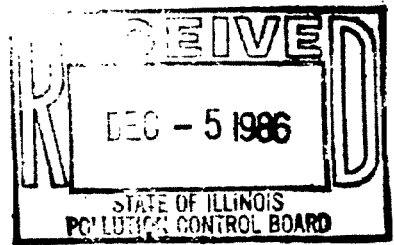
PLEASE TAKE NOTICE that I have today filed with the Clerk of the Pollution Control Board a Stipulation and Proposal for Settlement in the above-captioned matter, a copy of which is attached and served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

NEIL F. HARTIGAN
Attorney General
State of Illinois

By: Gerald T. Karr
GERALD T. KARR
Assistant Attorney General
Environmental Control Division
100 West Randolph Street
13th Floor
Chicago, Illinois 60601
(312) 917-2816

DATED: December 5, 1986



STATE OF ILLINOIS)
)
COUNTY OF COOK)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
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v.)
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YALE POLISHERS AND PLATERS, INC.,)
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)
Respondent.)

PCB 86-148

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, Yale Polishers and Platers, Inc., an Illinois corporation by its president, Harvey Roth, and do hereby submit this Stipulation and Proposal for Settlement. The parties agree that the statement of contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties 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 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., 1985, ch. 111-1/2, par. 1001 et seq., 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 Yale Polishers and Platers, Inc. (hereinafter "Yale"), is an Illinois corporation which has at all times pertinent hereto transacted business in the State of Illinois. At all times pertinent to this action Yale has caused or allowed the operation of a business located at 5247 South Keeler Avenue, Chicago, Cook County, Illinois.

3. Yale engages in the business of polishing and plating various metals. In the business operation Respondent utilizes polishers and grinders as well as electroplating tanks.

4. Since at least March 11, 1983 and until the filing of the complaint in this action, but possibly since December 1, 1972 Respondent caused or allowed the operation of its business without an Agency permit, in violation of Section 9(b) of the Act and 35 Ill. Adm. Code Section 201.144

5. By letters of March 31, 1983 and July 25, 1985, Respondent was notified of the violations of Section 9(b) of the Act and 35 Ill. Adm. Code Section 201.144. By letter of October 18, 1985 Respondent was again notified of these violations as well as the Agency's intent to bring an enforcement action. Respondent was offered an opportunity to meet with the Agency representatives in order to resolve the conflicts which have resulted in the filing of the complaint in this action, in accordance with the requirements of Section 31(d) of the Act.

6. Respondent attended the 31(d) meeting on November 4, 1985 and expressed an intent to file the appropriate permit applications. However, no permit applications were filed.

7. A complaint was filed on September 15, 1986 alleging the permit violations.

8. Respondent submitted to the Agency the appropriate permit applications on October 3, 1986.

9. The appropriate permit was issued on November 3, 1986. (Copy attached as Exhibit A.)

PROPOSAL FOR SETTLEMENT

As a result of the settlement discussions between the parties and of actions taken or to be taken by Respondent, the parties believe that 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 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

Yale 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 in the Complaint.

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 201.144.

2. Respondent agrees that it will expeditiously correct any errors or emissions in its permit application pending before the Agency.

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

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

5. 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 with \$1,000.00 being deposited within 30 days from the date on which the Board adopts a final order approving, accepting and incorporating this Stipulation and Proposal for Settlement followed by four (4) monthly installments of \$1,000.00 each. 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 Respondent's lack of knowledge of the requirement of a State operating permit as well as the length of time between Respondent's actual knowledge of the requirement and the submittal of the permit application.

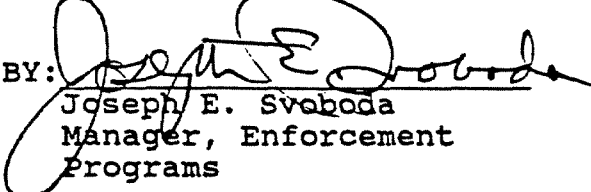
WHEREFORE, Complainant and Respondent jointly request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

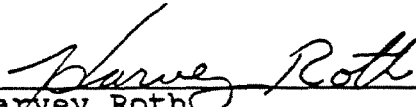
For Complainant _

For Respondent

Illinois Environmental
Protection Agency

Yale

BY: 
Joseph E. Svehoda
Manager, Enforcement
Programs

BY: 
Harvey Roth
President Yale Polisher &
Platers

DATED: 11/26/86

DATED: Nov. 20, 1986

gspfs1



217/782-2113

OPERATING PERMIT

PERMITTEE

Yale Polishers & Platers
Attention: Harvey D. Roth
5247 South Keeler
Chicago, Illinois 60632

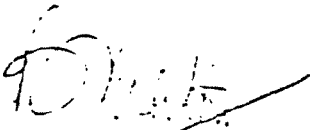
Application No.: 86100005
Applicant's Designation: YL
Subject: Plating Operation
Date Issued: November 3, 1986
Location: 5247 South Keeler, Chicago

I.D. No.: 031600EZF
Date Received: October 3, 1986
Expiration Date: October 3, 1991

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

1. 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. The issuance of this permit does not relieve the permittee of the responsibility of complying with the provisions of the State of Illinois Rules and Regulations, 35 Ill. Adm. Code Subtitle C, Water Pollution Control, Chapter 1.

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 Suszka at 217/782-0610.


Ernest Nathan, P.E.
Manager, Permit Section
Division of Air Pollution Control

BY: [Signature] / 10/29/86

cc: Region 7



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
2200 CHURCHILL ROAD
SPRINGFIELD, ILLINOIS 62706

STANDARD CONDITIONS
FOR
OPERATING PERMITS

1985

Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

Following conditions are applicable unless superseded by special permit condition(s).

The issuance of this permit does not release the permittee from compliance with state and federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or with applicable local laws, ordinances and regulations.

The Agency has issued this permit based upon the information submitted by the permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation under 35 Ill. Adm. Code 201.207.

The permittee shall not authorize, cause, direct or allow any modification, as defined in 35 Ill. Adm. Code 201.102, of equipment, operations or practices which are reflected in the permit application as submitted, unless a new application or request for revision of the existing permit is filed with the Agency and unless a new permit or revision of the existing permit(s) is issued for such modification.

This permit only covers emission sources and control equipment while physically present at the indicated plant location(s). Unless the permit specifically provides for equipment relocation, this permit is void for any item of equipment on the day it is removed from the permitted location(s) or if all equipment is removed, notwithstanding the expiration date specified on the permit.

The permittee shall allow any duly authorized agent of the Agency, upon the presentation of credentials, reasonable times:

to enter the permittee's property where actual or potential effluent, emission or noise sources are located where any activity is to be conducted pursuant to this permit.

to have access to and to copy any records required to be kept under the terms and conditions of this permit

to inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit

to obtain and remove samples of any discharge or emission of pollutants, and

to enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any activity, discharge or emission authorized by this permit

The issuance of this permit:

shall not be considered as in any manner affecting the title of the premises upon which the permit facilities are located.

Does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the facilities.

- a. does not take into consideration or attest to the structural stability of any unit or part of the project,
- b. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability directly or indirectly for any loss due to damage, installation, maintenance, or operation of the project equipment or facility.

The facilities covered by this permit shall be operated in such a manner that the disposal of air contaminants collected by the equipment shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.

The permittee shall maintain all equipment covered under this permit in such a manner that the performance of such equipment shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.

The permittee shall maintain a maintenance record on the premises for each item of air pollution control equipment. This record shall be made available to any agent of the Environmental Protection Agency at any time during normal working hours and/or operating hours. As a minimum, this record shall show the date, performance and nature of preventative maintenance activities.

No person shall cause or allow continued operation during malfunction, breakdown or startup of any emission source or related air pollution control equipment if such operation would cause a violation of an applicable emission standard or permit limitation. Should a malfunction, breakdown or startup occur which results in emissions in excess of any applicable standard or permit limitation, the permittee shall:

- a. immediately report the incident to the Agency's Regional Field Operations Section Office by telephone, telegraph, or other method as constitutes the fastest available alternative, and shall comply with any reasonable directives of the Agency with respect to the incident;
- b. maintain the following records for a period of no less than two (2) years:
 - i. date and duration of malfunction, breakdown or startup.
 - ii. full and detailed explanation of the cause.
 - iii. contaminants emitted and an estimate of quantity of emissions.
 - iv. measures taken to minimize the amount of emissions during the malfunction, breakdown or startup.
 - v. measures taken to reduce future occurrences and frequency of incidents.

If the permit application contains a compliance program and project completion schedule, the permittee shall submit a project completion status report within thirty (30) days of any date specified in the compliance program and project completion schedule or at six month intervals, whichever is more frequent.

Beginning one year from the date of this permit the permittee shall submit an "Annual Emission Report," APC-208, as required by 35 Ill. Adm. Code 201.302. (Note: If the permittee has other operating permits for the facility, the "Annual Emission Report" for all such permits may be included in a single annual submission.)

PROOF OF SERVICE

I, GERALD T. KARR, an attorney hereby certify that I caused true and accurate copies of the attached to be served upon,

Mr. Harvey Roth

President

Yale Polishers and Platers, Inc.

5247 South Keeler Avenue

Chicago, Illinois 60632

Mr. Robert Handelsman

Hearing Officer

2643 Central Park

Evanston, Illinois 60201

by causing said copies to be mailed first class mail postage

pre-paid, to the addresses indicated above, from 100 West

Randolph Street, Chicago, Illinois 60601 on December 5, 1986.


GERALD T. KARR