

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1979

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 77-287
)
 INDUSTRIAL COATING,)
)
 Respondent.)

MR. DEAN HANSELL, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;
MR. JAMES G. O'DONOHUE APPEARED ON BEHALF OF RESPONDENT.

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

On November 30, 1978 the Board remanded this case to the parties and the Hearing Officer for the development of an internally consistent record. On December 14, 1978 Complainant filed an Amended Complaint which alleged that Respondent had violated Rule 103(b)(2) of the Air Pollution Control Regulations by conducting sand blasting operations without a permit. On January 10, 1979 the parties filed a revised stipulation and proposal for settlement. On January 22, 1979 the Hearing Officer filed an Order in which he held that the Amended Complaint and revised stipulation cured the deficiencies in the record and that no further hearings were necessary.

The revised stipulation states that a representative of Complainant discovered the violation alleged in the Amended Complaint during an inspection of Respondent's facilities in Chicago. Respondent has admitted the violation and agreed to apply for a permit, keep the building doors closed during the colder months to prevent fugitive emissions, conduct an engineering analysis to determine the necessary steps to eliminate visible emissions, maintain filters on each of its roof fans, and notify Complainant of its progress in these areas. The parties agree that no penalty is needed in this case to aid in the enforcement of the Act.

The Board accepts the stipulation as a reasonable resolution of this case. Although it is slightly unorthodox to hold a hearing first, in this case October 13, 1978, and

file an Amended Complaint and revised stipulation later, the Board will not require another hearing to be held. The stipulation was discussed at the hearing and no members of the public were present so adequate notice has been provided.

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

ORDER

1. Respondent has violated Rule 103(b)(2) of the Board's Air Pollution Control Regulations.
2. Respondent shall comply with the terms and conditions of the revised stipulation which is incorporated in this Order as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 24th day of May, 1979 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board