

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-248
)
PHILLIP ROSENBAND d/b/a PARSTEEL)
PRODUCTS COMPANY, INC.,)
)
Respondent.)

MS. ANNE K. MARKEY, ASSISTANT ATTORNEY GENERAL, appeared on behalf of Complainant.
MR. ROBERT I. BRISKMAN, TORME, HORWICH AND BRISKMAN, appeared on behalf of Respondent.

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

An Amended Complaint in this case alleges that Respondent constructed and operated an emission source and air pollution control equipment without the necessary Agency permits and violated Rule 205(f) of the Air Pollution Control Regulations. A hearing was held on October 18, 1978 in Chicago Heights.

At the hearing the parties offered Joint Exhibits 1 and 2 and a Stipulation and Proposal for Settlement as the entire record. No other members of the public were present.

The Stipulation of Facts (Joint Ex.1) states that since June, 1976 Respondent has operated a plant manufacturing painted steel shelving in Chicago Heights. Respondent constructed and has operated three paint spray booths, an alkali solution washer, a gas-fired baking oven and a degreaser without Agency permits. On August 11, 1976 an Agency employee observed that Respondent was using 110 gallons of toluene per month to clean its spray painting equipment and 35 gallons of grey baking enamel per day. Both substances caused the emission of organic material in excess of the 8 lbs./hr. limitation in Rule 205(f). This inspection is summarized in Joint Exhibit 2. After the Agency inspection Respondent ceased using toluene and switched to an enamel which contains a blend of solvents exempt from Rule 205(f). The Stipulation of Facts attaches the Opinion and Order of the Board in EPA v. Par Steel Products Company, PCB 72-405, 8PCB 387, June 28, 1973 which found, inter alia, that Respondent had installed pollution control equipment at a prior location without Agency permits.

The Stipulation and Proposal for Settlement provides that Respondent shall obtain all the necessary Agency permits within six months and pay a penalty of \$1,000 within nine months of the date of the Board's approval of this settlement. The Board finds, after a review of the factors listed in Section 33(c) of the Act, that the settlement constitutes a reasonable and appropriate resolution of this case.

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

ORDER

- 1) Respondent has violated Rules 103(a)(1), 103(b)(1), and 205(f) of the Air Pollution Control Regulations and Sections 9(a) and 9(b) of the Act.
- 2) Within six months of the date of this Order, Respondent shall obtain all applicable Agency permits for the equipment listed in paragraph 3 of Joint Exhibit No. 1.
- 3) Within 9 months of the date of this Order, Respondent shall forward the sum of \$1,000, payable by certified check or money order, to:

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

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 18th day of January, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board