

support a finding of Air Pollution under Section 3(b) of the Act and a violation of Section 9(a) of the Act. The Board incorporates by reference into this Opinion as if set forth fully herein the January 12, 1977 Stipulated Facts. The Board finds that the forced evacuation of persons from their homes which was occasioned by the complained of incident (Stipulation paragraph 9), and the toxic nature of the emissions (Stipulation paragraph 10) clearly indicates two types of "Air Pollution" as defined in Section 3(b) of the Act. The forced evacuation of residential dwellings, when the technical practicability and economic reasonableness of avoiding the emissions was so obviously present (see Stipulation paragraph 13), when coupled with the lack of any issues regarding the other considerations regarding Section 33(c) of the Act, can only lead to the conclusion that this interference with the enjoyment of life or property was, indeed unreasonable and in violation of Section 9(a) of the Act.

Further, the toxic nature of these emissions require a finding that the contaminants released into the atmosphere were in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, and animal life, to health, and to property. These emissions clearly violated Section 9(a) of the Act in this regard.

PROPOSED SETTLEMENT

In their Proposal For Settlement the parties have agreed that a penalty of \$1,000.00 is appropriate. The Settlement also provides for the installation, operation, and maintenance of certain safety features designed to prevent the recurrence of this type of pollution. Flint has agreed to install an automatic shut-off for the lactol spirits pump, a master electrical control switch with indicator light and double check valves to prevent back feeding. Flint has further agreed to install "High Level Liquid Tank Controls" and conservation vent valves on its underground storage tanks. Flint will also request its suppliers to deliver lactol spirits and toluene in tank trucks equipped for vapor return and will equip its underground tanks with provisions necessary for vapor return. Flint further agrees to amend its permit applications with the Agency regarding these devices and allow inspection of its facilities. All of the work described above is to be completed within 90 days of the signing of the agreement by the parties.

The Board finds the Proposal for Settlement to be acceptable. Given the proposed remedial and constructive work proposals, the final resolution of this matter will be in the best interests of the people of Illinois.

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

ORDER

The Board hereby accepts and adopts the parties' Proposal for Settlement, filed January 12, 1977 and hereby incorporates that agreement as if set forth fully herein. Pursuant to the adoption of the Proposal for Settlement the Board Orders as follows:

- A. Respondent Flint Ink Corporation is hereby found to have discharged contaminants into the environment of Illinois in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, and animal life, to health, and to property, and to unreasonably interfere with the enjoyment of life and property thus constituting Air Pollution as defined in Section 3(b) of the Act in violation of Section 9(a) of the Act.
- B. Respondent Flint Ink Corporation shall pay as a penalty for the aforesaid violations the sum of \$1,000.00 to the State of Illinois. Payment shall be made by check or money order within 35 days of the date of this Order to:


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

- C. Respondent Flint Ink Corporation shall comply with all provisions and conditions of the Proposal for Settlement filed with the Board on January 12, 1977 and incorporated by reference above.

IT IS SO ORDERED.

Mr. Dumelle abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 3RD day of March, 1977 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board