ILLINOIS POLLUTION CONTROL BOARD March 3, 1977

PEOPLE	OF	THE STATE	OF	ILLINOIS,)		
	Complainant,						
		v.)))	PCB	76-112
FLINT	INK	CORPORATIO	ON,)))		
		Res	pone	dent.)		

MS. HELGA HUBER, Assistant Attorney General, appeared on behalf of the Complainant;

MR. GARY SCHUMAN, appeared on behalf of Respondent.

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

This matter comes before the Board on a Complaint filed on April 22, 1976 by the People of the State of Illinois (the "People") against Flint Ink Corporation (Flint) regarding its facility located at 2601 Gardner Road, Broadview, Cook County, Illinois. The Complaint charges Flint operated its ink manufacturing facility so as to allow, on April 16, 1976, approximately 1641 gallons of Toluene and Lactol Spirits to flow from underground storage tanks into Flint's parking lot and thence into Gardner Road in Broadview. The Complaint alleges that this discharge resulted in the emission of contaminants into the atmosphere and that these contaminants were of sufficient quantity and of such characteristics and duration as to violate Section 9(a) of the Environmental Protection Act (Act).

On June 14, 1976 Flint filed its Motion To Dismiss. Flint argued that the prosecution of this matter was barred by the doctrines of res judicata and double jeopardy. On June 25, 1976 the People filed their Response to Motion To Dismiss. Flint's Motion was denied by the Board on July 8, 1976. A hearing was held in this matter on January 11, 1977 at which the parties presented their Stipulation of Facts and Agreed Settlement which was filed with the Board on January 12, 1977.

The Parties' Stipulated Facts present sufficient admissions to

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 day of March, 1977 by a vote of 4-0.

Christan L. Moffett,//Clerk
Illinois Pollution Control Board