

ILLINOIS POLLUTION CONTROL BOARD
March 17, 1977

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 76-309
)
 REBA BUILDING CORPORATION,)
)
 Respondent.)

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

This matter is before the Board upon the Complaint filed by the Attorney General of the State of Illinois on behalf of the People of the State of Illinois (Attorney General), alleging that Reba Building Corporation (Reba) failed to obtain an operating permit from the Illinois Environmental Protection Agency (Agency) for an incinerator associated with a multi-unit apartment building known as Hillcrest Apartments located at 141 Greenbay Road, Wilmette, Illinois.

A hearing was held in this matter on March 7, 1977. No citizens were present at the hearing, and no public comment has been received. At the hearing, a Stipulation and Proposal for Settlement (Stipulation) was presented by the parties herein pursuant to Rule 333 of the Board's Procedural Rules.

In the Stipulation and Proposal for Settlement Reba admits ownership of the multi-unit apartment building known as Hillcrest Apartments, which includes a single chamber incinerator constituting an existing emission source as defined in Rule 101 of the Air Pollution Regulations: Chapter 2 of the Illinois Pollution Control Board Rules and Regulations. It is stipulated that Reba does not now have and at no time since April 1, 1973 has had a permit issued by the Agency to operate its incinerator. It is further stipulated that Reba operated

its incinerator on numerous occasions since April 1, 1973. Since January 20, 1977 Reba has ceased to operate its incinerator, and, testimony at the hearing indicated that the incinerator has already been welded shut and that the gas and electricity attached to the unit have been disconnected (R.5). Reba has had and continues to have a contract with Active Services Corporation to haul away and dispose of ashes, refuse and garbage from the building.

The Stipulation has been proposed to the Board as a method of solving the problem herein without further litigation. Reba agrees to continue to have its refuse and garbage hauled away and to weld the incinerator door shut, disconnect the gas line and disconnect the electricity thereto. In addition the Attorney General recommends that no penalty be assessed in this case. The Board finds the Stipulation to be a reasonable resolution of the violation admitted herein and accepts the Stipulation in settlement of this case.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Reba Building Corporation is found to have violated Rule 103(b)(2) of the Board's Air Pollution Regulations and Section 9(b) of the Environmental Protection Act in that it failed to have a permit issued by the Agency to operate its incinerator located in Wilmette, Illinois from April 1, 1973 until December 2, 1976.

2. Reba Building Corporation shall execute the provisions of the Stipulation and Proposal for Settlement filed before the Board March 7, 1977, which Stipulation is incorporated herein by reference as if fully set forth.

3. Reba Building Corporation shall cease and desist the aforesaid violation unless and until such time as it receives an operating permit for the incinerator from the Agency.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 17th day of March, 1977 by a vote of 4-0.

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