

ILLINOIS POLLUTION CONTROL BOARD  
October 28, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-324  
 )  
 )  
 MAJESTIC WOOD CARVING COMPANY, )  
 )  
 Respondent. )

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

This matter was brought before the Board on a Complaint filed on August 22, 1975 by the Environmental Protection Agency (Agency) against Majestic Wood Carving Company (Majestic) located at 1740 North Maplewood Avenue, Chicago, Cook County, Illinois. An Amended Complaint was filed on November 7, 1975 which includes four counts alleging violations at Majestic's unupholstered furniture manufacturing facility. On July 23, 1976 a hearing was held in this matter at which the parties presented a Stipulation and Proposal for Settlement pursuant to Rule 333 of the Board's Procedural Rules.

Count I of the Amended Complaint charges Majestic with failure to have operating permits from the Agency, in violation of Rule 103(b)(2) of the Board's Air Pollution Control Regulations (Air Rules) and Section 9(b) of the Act. Count II charges Majestic with construction of a gas-fired boiler without an Agency construction permit, in violation of Air Rule 103(a)(1) and Section 9(b) of the Act. Count III charges Majestic with excessive particulate emissions from its wood-fired boilers, in violation of Rule 3-3.112 of the Board's Old Air Rules and Section 9(a) of the Act between July 1, 1970 and May 30, 1975, and in violation of Air Rule 203(g)(1)(A) and Section 9(a) of the Act from May 31, 1975 on. Count IV charges Majestic's operations with causing "air pollution" in violation of Section 9(a) of the Act.

In paragraphs 21 through 24 Majestic admits facts sufficient for the Board to find the violations as alleged in Counts I, II, and III of the Amended Complaint with the exception of Air Rule 203(g)(1)(A) which the Board finds inappropriate in this case due to the Supreme Court's decision in Commonwealth Edison Company v. PCB, 62 Ill.2d 494, 343 N.E. 2d 459(1976).

No evidence is presented regarding the violation alleged in Count IV. The Board has also considered the Stipulation as it relates to the reasonableness of Majestic's emissions under Section 33(c) of the Act.

Paragraph 32 of the Stipulation presents the parties' Proposal for Settlement. Majestic has agreed to obtain the required permits, complete construction of a wet scrubber, execute a performance bond of \$5,000, and pay a penalty of \$1,750.00. The Board will accept the Proposal for Settlement in all respects.

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

ORDER

The Board hereby adopts and accepts the Proposal for Settlement submitted by the parties and hereby orders the following:

1. Respondent Majestic Wood Carving Company is hereby found to have violated Rules 103(b)(2) and 103(a)(1) of the Board's Air Pollution Control Regulations, Rule 3-3.112 of the Board's Old Air Rules and Sections 9(a) and (b) of the Environmental Protection Act.
2. As a penalty for the aforesaid violations, Respondent Majestic Wood Carving Company shall pay to the State of Illinois the sum of \$1,750.00, payment to be made within 35 days of the date of this Order by certified check or money order to:

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

3. Respondent Majestic Wood Carving Company shall complete construction of the wet scrubber emission control device for its woodwaste-fired boiler within 60 days of receipt of this Order. Respondent shall obtain an operating permit for its wet scrubber system within 60 days thereafter.
4. Respondent Majestic Wood Carving Company shall execute within 30 days of the date of this Order, in a form acceptable to the Environmental Protection Agency, a performance bond in the amount of \$5,000.00 to guarantee the performance of the measures set forth in paragraph 3 above.

5. The allegation, in Count III, of a violation of Air Rule 203(g)(1)(A) is hereby dismissed.

6. Count IV of the Complaint is hereby dismissed without prejudice.

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 28<sup>th</sup> day of October, 1976 by a vote of 50.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board