

ILLINOIS POLLUTION CONTROL BOARD  
June 18, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-427  
 )  
 )  
 DEL MONTE CORPORATION, )  
 )  
 Respondent. )

Mr. James L. Dobrovoly, Assistant Attorney General, appeared on behalf of Complainant  
Mr. Thomas J. Immel, Burditt and Calkins, appeared on behalf of Respondent  
Mr. Daniel T. Williams, Jr., Roszkowski, Paddock, McGreevy & Johnson appeared on behalf of Robert R. Swanson

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

This matter comes before the Pollution Control Board (Board) upon the October 31, 1975 Complaint of the Environmental Protection Agency (Agency) charging the Del Monte Corporation (Del Monte) with operating a can manufacturing facility in Rochelle, Illinois, without an operating permit in violation of Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Environmental Protection Act (Act) since June 1, 1973. A hearing was held May 13, 1976, at which a Stipulation was presented to the Board.

Del Monte owns and operates four plants in the City of Rochelle, Ogle County, Illinois. The Plants are involved in the canning, warehousing and distribution of food products. The subject plant (#115) manufactures cans for use in the other plants' canning processes as well as in DeKalb and Mendota, Illinois.

At Plant #115 rolled sheet steel is cut to 3'x3' and coated with protective lacquer to prevent interior corrosion. Vapors are

vented through hoods and stacks to the roof. This equipment has been in operation prior to April, 1972 and has no permit.

The coated sheets are passed through two 150 foot ovens to bond the coating. The products of combustion and coating vapors are vented to the roof. Del Monte admits it has no operating permit for this portion of its process. The sheets are then cut and formed into a cylinder. They are sent to one of seven seaming lines. The lines are also vented to the roof but Del Monte has an operating permit for these sources.

Del Monte was warned several times of the violations herein. In the process, Del Monte applied for an operating permit. However, this permit was denied April 13, 1976, due to the possibility of violation of Air Rule 102. Del Monte also applied for a variance.

Del Monte admits the violations. It stipulates that it will reapply for an operating permit by May 17, 1976, and that it will promptly supply the Agency with all properly requested additional information it may have in its possession. As to any relevant information in the possession of third parties which may be requested, Del Monte will exercise reasonable diligence to obtain it within 120 days of the request. Respondent stipulates that it will obtain the operating permits within 120 days of the Board Order herein, except that in the event information is requested which is in the hands of a third party, Respondent shall be allowed no more than 30 additional days in which to obtain the permits.

Del Monte employs 1,600 persons in Rochelle with a payroll of \$8,000,000.00 per year. The subject facility employs 300 persons with an annual payroll of \$2,500,000.00 (R.20).

One resident of Rochelle and neighbor of the plant appeared to object to the settlement due to the lack of a cease and desist order. However, the bulk of his testimony does not relate to the instant Complaint (R.24-45).

The Parties stipulate to a penalty of \$5,000.00 for the violations admitted. The Board finds the Settlement as proposed to be adequate and will accept its terms and assess the stipulated penalty.

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

ORDER

It is the Order of the Board that

- 1) Del Monte Corporation's Plant #115 is found to have violated Rule 103(b)(2) and Section 9(b) of the Act from June 1, 1973 to October 31, 1975.
- 2) For the aforementioned violation the stipulated penalty of \$5,000.00 is assessed. Del Monte shall pay said penalty by certified check or money order within 35 days of this Order to:

Control Program Coordinator  
Division of Air Pollution Control  
Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

- 3) Del Monte shall pursue the stipulated compliance plan which is hereby incorporated by reference as though fully setforth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18<sup>th</sup> day of June, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board