

ILLINOIS POLLUTION CONTROL BOARD  
May 20, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-393  
 )  
 NATIONAL METALWARES, INC., )  
 )  
 Respondent. )

Mr. James L. Dobrovoly, Assistant Attorney General, appeared for the Complainant;  
Mr. David P. Peskind, Attorney, appeared for the Respondent.

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

This matter is before the Board on a Complaint filed by the Attorney General for the Environmental Protection Agency (Agency) on October 10, 1975. That Complaint alleged that Respondent National Metalwares, Inc. (National) operated an existing emission source of air contaminants without the required operating permit from the Agency, in violation of Section 9(b) of the Environmental Protection Act and Rule 103(b)(2) of Chapter 2: Air Pollution, of the Board's Rules and Regulations. Ill. Rev. Stat., Ch. 111-1/2, §1009(b) (1975).

At a hearing held in North Aurora, Illinois on March 30, 1976, the Agency and National submitted a Stipulation of Facts and Agreed Settlement (Stipulation), which forms the basis of this Opinion and Order.

In the Stipulation, National admits that it has operated a painting operation as a part of its manufacturing facility\* in Aurora since March 1, 1973, without an operating permit from the Agency. The facts show, and the parties agree, that the painting operation constitutes an existing emission source. By way of mitigation, the Stipulation shows only that National applied twice (in 1974 and 1975) for operating permits; those applications were rejected for lack of adequate information.

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\*National's manufacturing facility is described in two Variance cases (unrelated to the permit issues presented here) and need not be repeated. National Metalwares, Inc. v. EPA, PCB 74-239, 13 PCB 603 (1974); National Metalwares, Inc. v. EPA, PCB 75-92, 17 PCB 163 (1975).

In settlement of the admitted violation, National agrees to a penalty of \$3,000.00 and agrees to obtain the necessary permits within 120 days of this Opinion and Order. We find that this settlement will serve to prevent the recurrence of this type of violation, and to aid in the enforcement of the Act.

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. Respondent National Metalwares, Inc. is found to have operated a painting operation in Aurora, Illinois, without the required operating permits from the Environmental Protection Agency in violation of Section 9(b) of the Environmental Protection Act and Rule 103(b)(2) of Chapter 2: Air Pollution, of the Pollution Control Board Rules and Regulations.
2. Respondent shall pay as a penalty for the above violations the sum of Three Thousand Dollars (\$3,000.00), payment to be made within thirty-five (35) days of receipt of this Opinion and Order to:

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

3. Respondent shall obtain all necessary operating permits from the Environmental Protection Agency for its spray painting and paint manufacturing facilities no later than 120 days after receipt of this Opinion and Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 20<sup>th</sup> day of May, 1976, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board