

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 75-323
)
CONSOLIDATED METAL PRODUCTS COMPANY,)
an Illinois corporation,)
)
Respondent.)

Ms. Mary C. Schlott, Assistant Attorney General, Attorney for
Complainant
Mr. Mark Lies, Seyfarth, Shaw, Fairweather & Geraldson, Attorney
for Respondent

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

This case arises out of a Complaint filed on August 22, 1975, by the Environmental Protection Agency (Agency) alleging that Consolidated Metal Products Company (Respondent) owned and operated spray painting equipment without operating permits from March 1, 1973, until August 22, 1975, in violation of Rule 103(b)(2) of the Air Regulations and in further violation of Section 9(b) of the Environmental Protection Act (Act). A hearing was held on October 17, 1975, at which time the parties announced they had entered into a settlement agreement; said Stipulation and Proposal for Settlement was filed with the Board at an additional hearing held on January 30, 1976. At the hearing held on October 17, 1975, Robert Janicki, plant engineer of Respondent, testified concerning the painting operations which are the subject of this matter. No members of the public participated at either of these hearings.

Respondent operates a metal furniture parts manufacturing facility at 3125 West Carroll Street in Chicago, which employs approximately 25 persons. As part of its manufacturing process, Respondent has operated two filter-controlled paint spray booths and a drying oven. Respondent has used more than 15,000 gallons of photochemically reactive paints and solvents during each of the years 1973 and 1974.

Rule 103(b)(2) requires all painting operations using in excess of 5,000 gallons of paint annually to have an operating

permit from the Agency no later than March 1, 1973. Agency personnel inspected the painting operations at Respondent's manufacturing plant on October 16, 1973 and November 5, 1973, and informed Respondent of the permit requirements. A warning letter was sent to Respondent by the Agency on November 12, 1973. Respondent submitted an operating permit application on February 4, 1974, which was rejected by the Agency on February 11, 1974, because it contained insufficient information. Respondent submitted some additional information to the Agency on December 19, 1974, but the permit application was again rejected for insufficiency. On February 25, 1975, Respondent submitted a Petition for Variance (PCB 75-81) to the Board for its painting operations. This Petition was dismissed by the Board on April 24, 1975, because it did not contain sufficient information.

In April of 1975, Respondent began installing paint spray equipment designed for use with nonphotochemically reactive organic materials. By August 8, 1975, Respondent had altogether ceased its spray painting operations because of current market conditions. Respondent agrees to obtain operating permits from the Agency for its spray painting operations and drying ovens prior to reinstating such activities, and, in addition, agrees to utilize paints and solvents which are nonphotochemically reactive.

We find that Respondent did violate Rule 103(b)(2) and Section 9(b) of the Act by operating its spray painting facilities without operating permits from March 1, 1973, until August 8, 1975. The Stipulation provides for a penalty of \$1,000.00 for the admitted violations. We further find that the stipulated penalty of \$1,000.00 constitutes a reasonable penalty for these violations.

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

ORDER

1. Respondent, Consolidated Metal Products Company, has violated Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Act by operating its spray painting facilities without the necessary permits from March 1, 1973 until August 8, 1975, and that a penalty of \$1,000.00 is assessed for these violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Consolidated Metal Products Company, shall obtain operating permits from the Agency for its spray painting operations and drying ovens prior to reinstating painting operations at its Carroll Street facility.

3. Respondent, Consolidated Metal Products Company, shall utilize only organic materials which are not photochemically reactive as defined by Rule 205(f) and Rule 201 of Chapter 2 of the Rules and Regulations in its painting operations at its Carroll Street facility.

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 19th day of February, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board