

ILLINOIS POLLUTION CONTROL BOARD  
September 18, 1975

ENVIRONMENTAL PROTECTION AGENCY, )  
Complainant, )  
 )  
v. ) PCB 75-144  
 )  
HARRIS HUB COMPANY, INC. )  
an Illinois Corporation, )  
Respondent. )

Ms. Joan C. Wing and Mr. Dennis Fields, Assistant Attorneys General, appeared for Complainant.  
Mr. Roger B. Harris and Mr. Jonathan Rosenbloom, Altheimer and Gray, appeared for the Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the Environmental Protection Agency's (Agency) April 2, 1975, complaint charging Harris Hub Company, Inc., (Harris) with violating Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Environmental Protection Act (Act). Two stipulations of fact were filed with the Board on June 23, 1975. A hearing was held on June 20, 1975.

Harris, an Illinois Corporation, has owned and operated its manufacturing facility in Harvey, County of Cook, Illinois, for the past twenty years. Its products include steel bed frames, steel bed rails and other bedding products. Harris uses in excess of 5,000 gallons of paint per year in its manufacturing process and has never received an operating permit from the Agency (Stip. 2). Harris has 250 employees.

Pursuant to Rule 103(b)(2), existing painting operations using in excess of 5,000 gallons of paint per year, were required to have obtained an operating permit on or before May 1, 1973. Section 9(b) of the Act is violated where a facility "capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations," is operated without a permit granted by the Agency.

As Harris stipulates to its failure to obtain an operating permit and as such permit is required by the Air Regulations in Rule 103(b), the Board finds that Harris has operated its facility in violation of Rule 103(b) of the Air Regulations and Section 9(b) of the Act since May 1, 1973.

On November 12, 1974, the Agency informed Harris, by letter, that Harris' lack of an operating permit could constitute a violation of the Air Regulations (Stip. 2). Harris applied for an operating permit on February 4, 1975 (Stip. 2). This application was rejected on or about March 3, 1975, for lack of information (Stip. 3). On or about April 4, 1975, Harris hired an engineering firm to properly prepare the permit application at a cost of \$902.84 (Stip. 3). Harris submitted this application to the Agency on April 18, 1975 (Stip. 3). This application was rejected May 13, 1975, for failure to comply with Rule 103(b)(4) of the Air Regulations. Harris re-applied, supplying the corrected authorization required by Rule 103(b)(4) (R.158). Respondent's excuse for not obtaining a permit was that, as it was not contributing to air pollution, it felt a permit was not necessary (R. 164-69).

Mr. Mel Villalobos, an Agency engineer, testified that he wrote to Harris informing it of the need to apply for a permit in November of 1974 (R.31). In December of 1974, and January of 1975, Mr. Villalobos telephoned Harris. However, these telephone calls were not returned (R.33-4).

Mr. George Harris, the plant manager, testified that Harris changed from oil to gas heat in 1972 so as not to pollute (R.185-6). He also stated that Harris had installed an afterburner on its incinerator to reduce particulate and when this failed to prevent particulate emissions, Harris stopped burning trash (R.187-8).

The Agency stipulates that it has no evidence, information or belief that any of Harris' emissions violate any of the Air Regulations or the Act (Stip. 4).

A viable permit program is an essential element in the State of Illinois' efforts to provide the people with a healthy environment as guaranteed by our State Constitution. Here, Harris' failure to obtain a permit was due solely to factors within its control. Therefore, we assess Harris a penalty in the amount of \$500.00 for its violation of Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Act.

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) Respondent, Harris Hub Company, Inc., shall pay a penalty in the amount of \$500.00 for the violations of Section 9(b) of the Environmental Protection Act and Rule 103(b)(2) of the Air Regulations. Said penalty shall be paid by certified check or money order payable to the State of Illinois within 35 days of this Order and shall be mailed to:

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

and,

2) Respondent, Harris Hub Company, Inc., shall apply, within 30 days, and obtain, within 120 days, an operating permit for its facility in Harvey, Illinois.

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 September 1975 by a vote of 3-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board