

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1972

ENVIRONMENTAL PROTECTION AGENCY)
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 v.) #72-206
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 THE RILEY COMPANY, a Delaware)
 corporation)

MESSRS. WILLIAM J. SCOTT and JAMES T. RUBIN, ON BEHALF OF
ENVIRONMENTAL PROTECTION AGENCY
PETERSON & HOUPPT, MR. RICHARD HOUPPT, ON BEHALF OF RESPONDENT

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

Complaint was filed against The Riley Company on May 15, 1972, alleging that between July 1, 1970 and January 20, 1972, Respondent had operated its incinerator located in Skokie, Illinois, so as to cause the discharge of particulates in violation of Rule 3-3.232 of the Rules and Regulations Governing the Control of Air Pollution, continued in effect by Section 49(c) of the Environmental Protection Act. The incinerator, located at Respondent's manufacturing facility, was used to dispose of scrap paper and cardboard. On January 20, 1972, Respondent permanently sealed and shut down its incinerator.

Public hearing was held on the complaint on September 21, 1972. On the basis of the record we find that Respondent has violated the Regulations, as alleged. At the hearing, the parties proposed a stipulation and settlement, to which no public comment was received. The parties stipulated that at the rate of 100 pounds per hour, the incinerator emitted .586 grains per standard cubic foot of gas, against an allowable maximum emission of .35 grains per standard cubic foot of gas. Also stipulated was that the only notices received by Respondent regarding its incinerator operation, were on January 11, 1972, being a notice of possible violation from the Environmental Protection Agency and on January 12, 1972, being a complaint by Cook County Environmental Control Bureau. The Cook County complaint was heard in the Circuit Court of Cook County on January 17, 1972, pursuant to which, Respondent was assessed a fine of \$50.00 plus \$5.00 costs. Respondent shut down its incinerator immediately thereafter and has retained a scavenger service to dispose of paper previously burned in the incinerator.

The Environmental Protection Agency states that Respondent has cooperated with the Agency and shown good faith in shutting


down its incinerator upon receipt of notice, Since we find that Respondent has violated the above regulation, we normally would be inclined to assess a small penalty. However, since Respondent has already paid a fine, no further penalty will be assessed. We note that no nuisance complaint was ever filed against Respondent, and that Respondent has ceased operation and cooperated fully in this matter. However, we shall order that Respondent cease and desist from any future violations of the Act and Rules.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that Respondent shall cease and desist the operation of its facility in Skokie, Illinois so as to cause air pollution as defined in the Environmental Protection Act, or emissions in excess of particulate regulations contained in Rules and Regulations Governing the Control of Air Pollution.

Mr. Dumelle dissents.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 17th day of October, A. D. 1972, by a vote of 4 to 1.


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