

ILLINOIS POLLUTION CONTROL BOARD
February 11, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 75-260
)
SERVICE COATINGS, INC., an)
Illinois corporation,)
)
Respondent.)

Mr. James L. Dobrovolny, Assistant Attorney General, Attorney
for Complainant
Mr. Robert C. Keck, Jr., Jenner & Block, Attorney for Respondent

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

This case arises out of an Amended Complaint filed by the Environmental Protection Agency (Agency) on December 15, 1975, alleging that Service Coatings, Inc. (Respondent) has operated from January 1, 1973, through July 3, 1975, a paint manufacturing facility in violation of the operating permit requirements of Rule 103(b) of Chapter 2, Air Pollution Control Regulations (Regulations), and in further violation of Section 9(b) of the Environmental Protection Act (Act).

A hearing was held on December 23, 1975, in Chicago at which time a Stipulation of Facts and Agreed Settlement (Stipulation) was entered into the record. No additional evidence was adduced at the hearing; no members of the public were present.

Respondent's paint manufacturing facility is located in an industrial area in Harvey, Illinois, and produces plastic and vinyl coatings and has eight blender-mixers as part of its equipment. The emissions from the blender-mixers are vented to two sets of duct work and then exhausted directly into the atmosphere by blowers. Solvents are charged into the blender-mixers through pipes and not by splashing; mixing of the charge is mild. An average of 11,600 gallons of coatings are produced per month. Organic solvent emissions are generated by the blender-mixers in this production process, and some of the solvents used in that production are photochemically reactive. Sixteen people are employed at these facilities.

In a letter dated December 30, 1974, the Agency notified Respondent of the applicable operating permit requirements. By letter dated April 7, 1975, the Agency again notified the Respondent of its operation permit delinquencies. On July 31, 1975, this enforcement action was commenced by the filing of a two Count Complaint. Count II of that Complaint alleged that Respondent violated Rule 103(b)(2) by conducting painting operations using in excess of 5,000 gallons of paint (including thinner) without having an operating permit. Count II was eliminated in the Amended Complaint because Respondent produced affidavits indicating that less than 5,000 gallons of paint (including thinner) per year were used by the spray painting facility, thus exempting Respondent from the operating permit requirements of Rule 103(b)(2) for its spray painting facility.

The Amended Complaint was filed on December 15, 1975, and contained only the allegations concerning the permit violations for the paint manufacturing facilities of Respondent. Respondent admits that it operated its eight blender-mixers at its paint manufacturing facility since January 1, 1973, without the necessary operating permits from the Agency as required by Rule 103(b)(2) of the Air Regulations and in further violation of Section 9(b) of the Act. For these admitted violations, the parties agree that a penalty of \$3,000.00 should be assessed. It is further agreed that Respondent shall obtain operating permits for its paint manufacturing facilities no later than 120 days after receipt of this Opinion and Order.

On the basis of the foregoing and the Stipulation, which constitutes all of the facts in this matter, we find that Respondent did violate Rule 103(b)(2) of the Air Regulations and a further violation of Section 9(b) of the Act. A penalty of \$3,000.00 is assessed for these violations.

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


ORDER

1. Respondent, Service Coatings, Inc., is found to have operated its paint manufacturing facilities from January 1, 1973, until July 3, 1975, without the necessary operating permits in violation of Rule 103(b)(2) of the Air Regulations and in further violation of Section 9(b) of the Act, and a penalty of \$3,000.00 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 the date of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Service Coatings, Inc., shall obtain operating permits from the Agency for its paint manufacturing facilities no later than 120 days after receipt of this Order.

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 11th day of February, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board