

ILLINOIS POLLUTION CONTROL BOARD
October 16, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-160
)
 CENTRAL CAN COMPANY,)
 an Iowa Corporation,)
)
 Respondent.)

Ms. Joan C. Wing, Assistant Attorney General, appeared for the Complainant.

Mr. Joseph A. Tecson, Attorney, appeared for the Respondent.

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

The Complaint in this matter was filed by the Environmental Protection Agency, (Agency), on April 15, 1975, alleging that Respondent Central Can Company, (Central), had violated Section 9(b) of the Environmental Protection Act, (Act), and Rule 103(b)(2) of Chapter 2: Air Pollution, of the Pollution Control Board, (Board), Rules and Regulations. A hearing was held in this matter on August 26, 1975, at which the parties entered into the record a Stipulation and Proposed Settlement which forms the basis of our Opinion and Order here.

Central operates a manufacturing facility at 3200 South Kilbourn Avenue in Chicago, at which it manufactures steel pails and tinsplate friction top cans for paint, waxes, agricultural chemicals, oil products, and other products. Central also decorates and furnishes lithography for other businesses which manufacture metal closures, such as screw caps and bottle caps. Central's Chicago facility employs approximately 291 employees.

As a part of its operations, Central conducts a painting operation, which consists of spray paint booths, filter air gun booths, baking ovens, and a roller coat line. The painting operation utilizes approximately 122,425 gallons of paint and coatings annually.

Under Rule 103(b)(2)(a) of Chapter 2: Air Pollution, all painting operations using in excess of 5,000 gallons of paint per year, (including thinner), must obtain an operating permit from the Agency.

Central first submitted application for operating permits to the Agency on March 30, 1973. The Agency rejected that application for lack of sufficient information. Central did not submit the information requested by the Agency, and it did not resubmit a new permit application. The Agency notified Central that it would need a permit on several dates in 1973 and 1974.

Central claims that its failure to submit a new permit application was the result of inadvertence. During the 1973-74 time period, Central was engaged in a movement of its production equipment to the facility at 3200 South Kilbourn, and was in the process of changing its management. Central was also, at that time, in the process of installing various pollution control equipment at its facilities, at the request of the City of Chicago. Central's president testified that he mistakenly believed that compliance with City of Chicago requirements was all that was necessary for the Central facility (R. 14-15). Central has now applied for a permit (R. 15).

The parties have proposed the following settlement:

"A. Respondent, Central Can, admits to violating Rule 103(b)(2) of Chapter 2, Part I of the Air Rules and hence admits violating Section 9(b) of the Illinois Environmental Protection Act since March 1, 1973.

B. Respondent agrees that, except in its operations which are fume incinerated or otherwise cleaned, it will obtain, test and utilize in its paint and coating operations organic materials which are not photochemically reactive as defined by Rule 205(f).

C. Respondent agrees that it will, except in its operations which are fume incinerated or otherwise cleaned, utilize only the aforementioned non-photochemically reactive organic materials in its painting and coating operations by December 31, 1975.

D. Respondent agrees to apply for all necessary operating permits for its manufacturing facility and furnish all necessary information for obtaining said permits by December 31, 1975.

E. It is further agreed by and between the parties that an agreed penalty for the violation listed above should be assessed against the Respondent, and it is further stated that Central Can agrees to pay the State of Illinois Three Thousand (\$3,000.00) Dollars. Payment of that sum shall be upon the immediate receipt by Respondent of the Board Order adopting this Stipulation and Settlement. Respondent shall pay the penalty of \$3,000.00 to the State of Illinois to:

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

We feel that this settlement will adequately resolve the issues raised in the Agency's complaint. Central has apparently made a good faith effort to comply with the Board's substantive emission standards, and has spent in excess of \$750,000 on emission control equipment. The penalty of \$3,000 which Central has stipulated to will, we feel, be adequate.

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

ORDER

1. Respondent, Central Can Company, is found to have violated Section 9(b) of the Illinois Environmental Protection Act and Rule 103(b)(2)(a) of Chapter 2: Air Pollution of the Pollution Control Board's Rules and Regulations in the operation of its Chicago painting facility without the necessary operating permits, since March 1, 1973.


2. For the violation found above, Respondent shall pay a penalty of \$3,000.00, payment to be made by certified check or money order to:

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

3. Respondent shall comply in all respects with the proposed settlement set forth in the accompanying Opinion.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of October, 1975, by a vote of 3-0.

Mr. Young abstained.



Christan L. Moffett, Clerk
Illinois Pollution Control Board