

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-314
)
 ADMIRAL CORP., ADMIRAL GROUP OF)
 ROCKWELL INTERNATIONAL CORP.,)
)
 Respondent.)

Mr. Steven Watts, Assistant Attorney General, Attorney for
Complainant
Mr. Arnold W. Canfield, Attorney for Respondent

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

This case arises out of a Complaint filed on August 11, 1975, by the Environmental Protection Agency (Agency) alleging that Admiral Corp., Admiral Group of Rockwell International Corp., has owned and operated three paint spraying systems from March 1, 1973, until August 11, 1975, in violation of the operating permit requirements of Rule 103(b)(2) of the Air Regulations and in further violation of Section 9(b) of the Environmental Protection Act (Act).

Hearing was held in Galesburg on January 14, 1976, at which time a Stipulation of Parties and Proposed Settlement (Stipulation) was entered into the record. No additional evidence was adduced at the hearing; no members of the public were present.

The source of emissions which gave rise to this action are three paint spraying systems utilized by Respondent at its industrial facility in Galesburg, Illinois. Respondent admits use of more than 5,000 gallons of paint annually in its painting operations. 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. The Stipulation provides that Respondent has owned and operated the paint spraying systems since March 1, 1973, without operating permits; admits the violations and agrees to a penalty of \$5,000.00 for such violations.

Exhibit 1 to the Stipulation contains an agreed compliance schedule and a maintenance schedule for Respondent's painting systems. The Stipulation also provides that Respondent will apply for operating permits for all three painting systems by March 31, 1976, and obtain such operating permits within 90 days thereafter.

In this case the violations are admitted and the Stipulation of Parties and Proposed Settlement filed complies with the requirements of our Procedural Rule 333 for settlement (EPA v. City of Marion, 1 PCB 591).

On the basis of the foregoing and the Stipulation, which constitutes the entire record in this matter, we find that Respondent did violate the Act and Regulations by operating its three painting systems without the necessary operating permits. A penalty of \$5,000.00 is assessed for these violations.

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

ORDER

1. Respondent, Admiral Corp., is found to have violated Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Act by operating three painting systems from March 1, 1973, until August 11, 1975, without the necessary operating permits, and shall pay a penalty of \$5,000.00 for such 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, Admiral Corp., shall apply for operating permits for its three paint systems by March 31, 1976, and obtain such operating permits within 90 days thereafter.

3. Respondent, Admiral Corp., shall follow the compliance program contained in Exhibit 1 to the Stipulation.

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