

ILLINOIS POLLUTION CONTROL BOARD
February 27, 1973

ENVIRONMENTAL PROTECTION AGENCY)
)
) #72-170
 v.)
)
 BRADLEY DIVISION - ROPER CORPORATION)

LARRY R. EATON, ASST. ATTORNEY GENERAL, APPEARED ON BEHALF OF
ENVIRONMENTAL PROTECTION AGENCY
BRUCE E. PASHLEY, APPEARED ON BEHALF OF RESPONDENT

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

On November 21, 1972, we entered an Order as follows:

"We direct that Respondent, within 14 days from the date of this Order, submit to the Board and Agency, further information concerning its efforts to obtain gas or alternative fuels to bring its operation into compliance, what abatement measures were considered and why they were not implemented, whether in fact an Acerp was submitted and if not, why not, and what nuisance, if any, has been imposed on the community as a consequence of Respondent's emissions. The Environmental Protection Agency is directed to file with the Board within 10 days of the receipt of the foregoing information from Respondent its comments with respect to the same matters, including such recommendation for penalty, if any, as it feels appropriate."

On December 5, 1972, we granted Respondent to December 29, 1972, to furnish the required information. The information submitted indicates that petitioner has made a conscientious effort to secure natural gas prior to its present availability, and has investigated the possibility of utilizing alternate fuels that would bring its operation into compliance with the Regulations.

Considerations of availability and safety precluded the use of fuel oil and propane either alone or in combination with natural gas. As pointed out in the earlier opinion, the wooden structure of Respondent's plant precluded the installation of adequate abatement equipment that would enable compliance with the Regulations. Neither the Agency nor the Respondent appear to have any information

with respect to the filing of an Acerp. Nothing has been furnished by either party indicating the magnitude of Respondent's emissions or the extent to which the emissions constituted a nuisance in the neighborhood. On the state of the record, we do not believe the imposition of a penalty is warranted. We will direct Respondent to cease and desist from any further violations of the statute and regulations. While it is evident that no Acerp was filed, the failure to do so has not been asserted as a violation of the Regulations and as a result, no penalty can be imposed in this respect.

If the time schedule set forth in our original Opinion has been pursued, Respondent shall be in compliance by this date.

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, Bradley Division - Roper Corporation, cease and desist from any violations of the Regulations with respect to the Rules and Regulations Governing the Control of Air Pollution and the Environmental Protection Act.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 27th day of February, 1973, by a vote of 3 to 0.


