

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1972

ENVIRONMENTAL PROTECTION AGENCY)
)
)
 v.) PCB 71-367
)
)
 CONSOLIDATED FOODS CORPORATION,)
 a corporation, and HOLLYWOOD BRANDS,)
 DIVISION OF CONSOLIDATED FOODS)
 CORPORATION)
)

William J. Scott, Illinois Attorney General, by Wayne Golomb, Assistant
Attorney General, for the Environmental Protection Agency

Russel E. Larson, Executive Vice President, for Consolidated Foods Corporation etal

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

This complaint, filed November 23, 1971, charges that the respondents
have:

a) failed to implement an approved Air Contaminant Emission
Reduction Program and failed to make required periodic progress reports,
in violation of Rule 2-2.41 of the Rules and Regulations Governing the
Control of Air Pollution; and

b) since July 1, 1970, caused, allowed and permitted the
discharge and emission of one or more contaminants into the environment
so as to cause or tend to cause air pollution in Illinois, either alone or
in combination with contaminants from other sources, in violation of
Section 9(a) of the Environmental Protection Act; and

c) installed and operated said facilities and equipment since
approximately September 15, 1970, the same being capable of, and in fact,
causing air pollution, the same having been installed without a permit granted
by the Agency, in violation of Section 9(b) of the Act.

On May 23, 1972, the parties entered into and filed a written
stipulation wherein the respondents admitted to all the alleged violations.
The stipulation indicates that the respondents' original intent was to convert
their boilers from coal to gas by September, 1970. However, gas became
unavailable and the plans were modified. The stipulation further indicates

that the respondents did convert their boilers from coal to oil as of July 26, 1971, and that their failure to file for a permit therefor was through inadvertence. The stipulation also indicates that the respondents have now made application for the permit to operate the oil-fired boilers and that the respondents agree to take all measures necessary to insure the proper issuance of a valid operating permit in the shortest possible time.

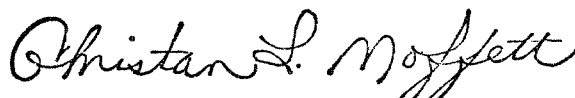
Inasmuch as the respondents have admitted to all the alleged violations, we find that those violations did in fact occur as alleged. We further find that a penalty of \$500 (Five Hundred Dollars) would be appropriate under these circumstances. The penalty for these violations would normally be greater except for the fact that the respondents have already dealt with the emission problem by making the conversion and have already made application for their permit. Furthermore, the change in plans due to the unavailability of gas is a mitigating factor to be considered.

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

WHEREFORE it is hereby ordered:

- A. The respondents shall take all measures necessary to insure the proper issuance of valid operating permit for their boilers in the shortest possible time; and,
- B. The respondents shall heretofore make all periodic progress reports as required by Rule 107 of the Rules and Regulations Governing the Control of Air Pollution; and,
- C. The respondents are jointly and severally liable and shall pay to the State of Illinois, on or before July 1, 1972, the total sum of Five Hundred Dollars (\$500.00) as a penalty for the violations found in this opinion. A certified check or money order should be made payable to the State of Illinois and shall be sent to the Environmental Protection Agency, Fiscal Services Division, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted by the Board on the 6th day of June, 1972, by a vote of 4-0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board