

ILLINOIS POLLUTION CONTROL BOARD
 September 18, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 72-79
)
 SANGAMO CONSTRUCTION COMPANY,)
)
 Respondent.)

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

On October 31, 1972 the Pollution Control Board found that Sangamo Construction Company had caused air pollution in violation of Section 9(a) of the Environmental Protection Act; had violated Section 3-2.110 of the Rules and Regulations of the Air Pollution Control Board by failing to secure a permit for its concrete plant; had also operated its asphalt plant without a permit. A \$5,000 penalty was imposed for these three violations.

The Appellate Court, 4th Judicial District of Illinois, found that Sangamo admitted its permit violation in the operation of the concrete plant, and further found that there was sufficient evidence that Sangamo had violated Section 9(a) of the Act. However, the Appellate Court found that there was no permit violation in the operation of the asphalt plant. Therefore, the Appellate Court reversed that part of the Pollution Control Board Order which had imposed the \$5,000 penalty and remanded the case to the Board for reimposition of penalties on the Section 9(a) violation and the concrete plant permit violation.

The elements of the violations have already been established in the written Opinions previously issued by the Board and by the Appellate Court. We will not repeat the evidence at length.

We find from our consideration of the evidence that the permit violation was for an unusually long time period. It appears that Sangamo paid little attention to its environmental obligation for some 2 1/2 years. The permit system is the cornerstone of environmental control and must be enforced. For long standing violations of this type a penalty of \$1500 is appropriate.

The Section 9(a) violation is assessed at a higher level than the permit violation, since there is direct evidence of the actual impact on people in the community. Sangamo's emissions brought complaints from employees of nearby businesses, and adversely and unreasonably affected those business operations in addition to unreasonably interfering with the health and the enjoyment of life of individuals. The concrete plant had obvious social and economic value, but according to the evidence, is no longer operating. Its location did not affect residences. The pollution control devices which were installed by Sangamo did reduce emissions but there was delay in the installation and use of such devices. It was technically feasible to reduce the emissions at an earlier date. For the Section 9(a) violation we assess a penalty of \$2500.

This Opinion constitutes the findings of fact and conclusions of law of the Illinois Pollution Control Board.

ORDER

It is the Order of the Pollution Control Board that:

Respondent Sangamo Construction Company shall pay to the State of Illinois by November 1, 1975 the sum of \$4,000 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted the 18th day of September, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board