

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 74-474
)
ENAMELERS AND JAPANERS, INC.,)
an Illinois Corporation,)
Respondent.)

Mr. Stephen Z. Weiss, Assistant Attorney General, appeared for Complainant;
Mr. George Novak appeared for the Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the Environmental Protection Agency's (Agency) December 17, 1974 Complaint. The facts were presented to the Board by stipulation. The Complaint charges Enamelers and Japanners, Inc. (Enamelers) with operating spray paint booths and bake ovens without operating permits, since March 1, 1973, in violation of Rule 103(b)(2) of the Air Pollution Regulations and Section 9(b) of the Environmental Protection Act (Act).

Enamelers owns and operates a metal finishing facility at 3022 North Rockwell Street in Chicago, Illinois. In the course of the Respondent's processes, an average of 15,698 gallons of paint has been used in each of the past 3 years. Enamelers sprays or coats approximately 6 million parts per year with an average cost of \$0.16 to \$0.18 per part. Enamelers applied for a permit in January of 1973 and received a permit on October 24, 1973, which expired March 31, 1974. In December of 1973, Enamelers applied for an extension of the permit which was denied by the Agency in January, 1974, because of a drawing which showed an incorrect number of stacks from the water spray booth. On October 29, 1974, Enamelers received "official legal notice" from the Agency that Enamelers was operating without permits in violation of state law. Enamelers admits being financially able to obtain a permit.

In mitigation, Ralph DiSilvestro, Enamelers president, states that he and his wife purchased all the stock of Respondent in 1972. The DiSilvestros relied upon Mr. Lester Goodman, the Respondent's general manager for 28 years, to file the required application. Mr. Goodman was terminally ill from cancer and died in February of 1975. Mr. Goodman

had assured the DiSilvestros that all applications for permits were under control. Enamelers obtained an operating permit on January 13, 1975 which expires January 12, 1980.

The Board finds that Enamelers operated an emission source without a permit, in violation of Rule 103(b)(2) of the Air Pollution Regulations and Section 9(a) of the Act from April 1, 1974 to January 13, 1975. A penalty of \$100 is justified.

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

ORDER

It is the Order of the Pollution Control Board that:


(1) The Respondent Enamelers and Japanners, Inc. has operated an air pollution emission source without a permit from April 1, 1974 to January 13, 1975 in violation of Rule 103(b)(2) of the Air Pollution Regulations and Section 9(a) of the Environmental Protection Act; and

(2) Respondent Enamelers and Japanners, Inc. is hereby ordered to pay as a penalty the sum of \$100.00; payment to be made within 35 days of the date of this Order by certified check or money order made payable to the State of Illinois, to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
Springfield, Illinois 62706

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 29th day of May, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board