

ILLINOIS POLLUTION CONTROL BOARD
October 14, 1971

ENVIRONMENTAL PROTECTION AGENCY)
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)
v.) # 71-203
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)
PURDY CO.)

Opinion of the Board (by Mr. Currie):

Purdy Co. operates facilities for salvaging obsolete railroad cars at Burnham, Illinois, and at Madison, Illinois. The once-accepted practice of open burning of these cars to remove combustible parts having been outlawed in 1965, Purdy in 1969 was given permission (pursuant to a state-approved Air Contaminant Emission Reduction Program, or Acerp) to burn until June 4, 1971. We held on March 31, 1971, that the Air Pollution Control Board had no power to authorize more than one year's variance at a time and refused to extend the Madison Acerp, warning that "any further open burning will be subject to severe money penalties." Purdy Co. v. EPA, # 71-2.

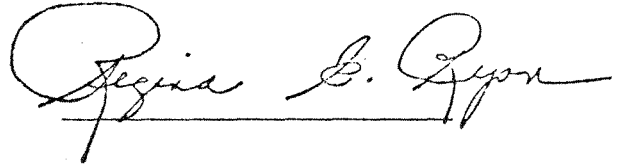
On July 15, 1971, the Agency filed the present complaint, alleging that open burning of railroad cars had continued at the Burnham facility. The respondent has admitted that the alleged burning has occurred, that two incidents occurred after publication of our opinion denying the Madison variance, and that one occurred after the June 4, 1971 date through which the company believed its Acerp to be valid. The number of cars burned does not appear. Thus the company admits a knowing violation of the Act and of the regulations.

Purdy agrees to the entry of a cease and desist order forbidding the further burning of cars at the Burnham facility and to the payment of a penalty of \$3,000. The Agency endorses this disposition. We agree that the consent order is appropriate and that in light of the stipulation of facts there is no need for an expensive and time-consuming hearing.

ORDER

1. Purdy Co. shall cease and desist from the open burning of railroad cars at its Burnham facility.
2. Purdy Co. shall within ten days after receipt of this order pay a penalty of \$3,000 to the State of Illinois.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 14 day of October, 1971.


A handwritten signature in cursive script, reading "Regina E. Ryan", is written over a horizontal line.