

ILLINOIS POLLUTION CONTROL BOARD  
August 4, 1977

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 76-305  
 )  
 )  
 LAWN SUPER FOOD MART, INC., )  
 )  
 Respondent. )

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

On November 24, 1976, the Attorney General on behalf of the People of the State of Illinois (People) filed a complaint against Lawn Super Food Mart, Inc., (Lawn) alleging that Lawn had operated its incinerator without first obtaining the requisite operating permit, in violation of Rule 103(b)(2)(A) of the Air Pollution Regulations (Chapter 2) and Section 9(b) of the Environmental Protection Act (Act). A hearing was held in this matter on June 2, 1977, in Chicago, Illinois. No citizen witnesses testified. On July 13, 1977, the parties submitted a Stipulation and Proposed Settlement.

Lawn owns and operates a food market on South Pulaski Road in Chicago, Illinois. The incinerator at the facility is capable of emitting particulates into the atmosphere and was installed prior to April 14, 1972, and therefore constitutes an existing emission source. Lawn stipulates that it did not obtain a permit from the Environmental Protection Agency to operate its incinerator and that it operated this incinerator on numerous occasions since the permit requirement became effective. The stipulation indicates that since at least April 9, 1977, Lawn has ceased to operate its incinerator, although the incinerator remains in the facility and can be made operational at any time. Lawn has presently contracted with a commercial waste disposal company to haul away and dispose of garbage and refuse from the facility.

In the Terms of Settlement, Lawn agrees to continue to have its refuse hauled, to cease use of the incinerator, and to tack weld the incinerator door shut and disconnect the gas line and electricity to the incinerator. The Complainant recommends that no penalty be assessed in this case.

The Board has considered the requirements of Section 33(c) of the Act. The stipulated facts indicate that the food market has social and economic value to the community and is suitable to the area in which it is located. The injury to the public is that inherent in a violation of the permit requirements.

The Board finds that the Stipulation and Proposal for Settlement submitted by the parties represents a satisfactory resolution of the problem presented herein and will adequately serve to protect the environment. The Board finds that no penalty is warranted and orders Lawn to adhere to the Terms of Settlement.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Lawn Super Food Mart, Inc., is found to have operated an incinerator without the required permit, in violation of Rule 103(b)(2)(A) of the Air Pollution Regulations and Section 9(b) of the Act.
2. Lawn shall comply with the Terms of Settlement agreed to in the Stipulation and Proposal for Settlement submitted by the parties on July 13, 1977, which is incorporated by reference as if fully set forth herein.

Mr. Dumelle concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4<sup>th</sup> day of August, 1977 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board