

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
)
)
 v.) PCB 75-292
)
)
 J & S TIN MILL PRODUCTS COMPANY,)
 INC., an Illinois corporation, and)
 ARMSTRONG CONTAINERS, INC., a)
 Delaware corporation,)
)
 Respondents.)

MR. JAMES L. DOBROVOLNY, Assistant Attorney General, appeared on behalf of Complainant;
MR. EUGENE H. BERNSTEIN, appeared on behalf of Respondents.

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

This matter comes before the Board on a Complaint filed by the Environmental Protection Agency (Agency) on July 25, 1975 against J & S Tin Mill Products Company (J & S) and Armstrong Containers, Inc. (Armstrong) regarding the operation of a facility located at 3400 North Powell Street, Franklin Park, Illinois. The Complaint alleged that both Respondents had violated Section 9(b) of the Environmental Protection Act (Act) and Rule 103(b)(2) of the Board's Air Pollution Control Regulations. A hearing was held on December 3, 1975 at which, without the testimony of any witnesses, a draft Stipulation and Proposal for Settlement was presented. A finalized Stipulation and Proposal for Settlement was filed with the Board on January 7, 1975. This document disposes of all issues raised in the complaint and is presented to the Board pursuant to Rule 333 of the Board's Procedural Rules.

Respondent J & S admits to ownership and operation of the facility in question at all times pertinent in this cause (Stipulation 1). Stipulation 2 denies ownership or operation of the facility by Respondent Armstrong. The facility included

prior to June 22, 1974, five printing and coating lines; since June 22, 1975 the facility included four printing and coating lines, each of which is capable of emitting gaseous matter to the atmosphere. J & S admits that as alleged in the Complaint, it operated the facility from January 1, 1974 to July 25, 1975 without first obtaining the operating permits required by Rule 103(b)(2). The violation is clearly admitted.

Stipulations 11-13 present numerous factors which tend to mitigate the violations. J & S was issued operating permits for each printing and coating line for various times prior to these violations. Further, J & S has by this time obtained or applied for all required permits. The Board, considering all of these factors, finds that the proposed \$2,500.00 penalty is appropriate, and adequate. Other terms of this settlement proposal required J & S to take certain actions prior to the date of this Order. Although such actions were to already have been completed, the Board's approval of the Stipulation and Proposal for Settlement necessarily incorporates all Terms of Settlement into this Opinion and Order.

ORDER

1. The Board hereby approves, in all respects, the Stipulation and Proposal for Settlement entered into by Respondents J & S Tin Mill Products Company, Inc., Armstrong Containers, Inc., and Complainant Environmental Protection Agency.

a. The Board hereby finds Respondent J & S Tin Mill Products Company, Inc., to have violated Section 9(b) of the Act and Rule 103(b)(2) of the Board's Air Pollution Control Regulations.


b. Respondent J & S Tin Mill Products Company, Inc. shall pay, as a penalty for the above violations, the sum of \$2,500.00 to the State of Illinois. Payment shall be made by certified check or money order, within 35 days of receipt of this Order, to:

Control Program Coordinator
Division of Air Pollution Control
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

2. That portion of the Complaint which pertains to Respondent Armstrong Containers, Inc. is hereby dismissed.

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 19th day of February, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board