

ILLINOIS POLLUTION CONTROL BOARD
October 31, 1972

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 72-298
)
 GENERAL CLASSICS, INC.,)
 a corporation,)
)
 Respondent.)

Dennis R. Fields, Assistant Attorney General for the EPA
Marvin Kramer for Respondent

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

The Environmental Protection Agency filed a complaint against General Classics, Inc. alleging that the Company had violated the Environmental Protection Act and the Rules and Regulations Governing the Control of Air Pollution by installing equipment to eliminate, reduce or control the emission of air contaminants without first obtaining a permit from the EPA. A Stipulation of Facts shows that Respondent did install after burners on an incinerator at its Chicago manufacturing plant in August 1971 without a State permit. The incinerator was used for the burning of paper, wood and cardboard. General Classics relied upon the contractor to obtain all permits for the installation and had no actual knowledge of the need for an EPA permit. The President of General Classics states that the contractor told the company he had obtained all necessary permits. The contractor had in fact obtained permits from the Chicago Division of Environmental Control but did not at any time obtain any permit from the Illinois Environmental Protection Agency.

General Classics has now ceased operating the incinerator and utilizes a scavenger service for the disposal of its refuse.

The issues raised by this case have previously been decided in EPA vs. American Generator & Armature Company, PCB 71-329 and EPA vs. Procter & Gamble Manufacturing Company, PCB 72-210. In Procter & Gamble we said:

"Prior to the enactment of the Environmental Protection Act on July 1, 1970 it was not necessary to obtain a State permit for installation of new equipment within the City of Chicago, since that area had been exempted from State requirements.

A City permit was sufficient. In the American Generator case, we held that State permits have been required for construction of new facilities in Chicago since July 1, 1970. The Opinion, announced January 6, 1972, indicates that penalties will be imposed for future violations of the rule."

Penalties were not imposed in the previous two cases because the violations took place before our decision of January 6, 1972 gave final notice of the need for State permits in construction of Chicago facilities. The same factual situation exists here with regard to General Classics installation of equipment in Chicago in the Summer of 1971. The same ruling will be followed.

The Board finds that the permit provisions of the Environmental Protection Act were violated and hereby orders that this proceeding be closed with no remedial or penalty provisions.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board certify that the above Opinion and Order was adopted on the 31st day of October, 1972 by a vote of 5 to 0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board