

degree of the injury to or interference with the health, welfare and physical property of the people. The facility did have a social and economic value as a producing company, but the evidence indicates that the facility was old and "marginal". The facility is suitable to the area in which it is located. It is technically practicable to reduce particulate emissions and to bring smoke density within No. 2 Ringelmann. For most companies it is also economically reasonable to do so, and we believe that, in spite of the age and the marginal status of Respondent's facility, it was economically reasonable to do so in this case. The record shows that pollution control equipment was actually installed but it should have been installed at an earlier date.

Freeman Coal failed to secure the required permits for over one year after the pollution control equipment was already installed. There was no explanation given for this delay but it appears the permits were actually acquired prior to the time the Complaint was filed by the Environmental Protection Agency. We conclude that the permit violation was not flagrant and was in fact cured before this matter was presented to us for ruling so that only a nominal penalty in the amount of \$100 is justified.

This Opinion constitutes the findings of fact and conclusions of law of the Illinois Pollution Control Board.

ORDER

It is the Order of the Pollution Control Board that:

Freeman Coal Mining Company shall pay to the State of Illinois by November 1, 1975 the sum of \$850 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted the 18th day of September 1975 by a vote of 7-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board