

ILLINOIS POLLUTION CONTROL BOARD
January 8 , 1976

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 75-91
)
TAMMS INDUSTRIES COMPANY, an)
Illinois corporation,)
)
 Respondent.)

Fredric J. Entin, Assistant Attorney General, Attorney for
Complainant
Neil J. Kuenn, Halfpenny, Hahn & Roche, Attorney for Respondent

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

This case arises out of a Complaint, filed by the People of the State of Illinois (People) on February 24, 1975. The Complaint alleges that Respondent, Tamms Industries Company, an Illinois corporation (Tamms) owned and operated a pigment manufacturing and processing facility located at 1 Centre Street, Maple Park, Kane County, Illinois which emitted malodorous fumes and particulates into the atmosphere from July 1, 1972 through February 24, 1975 in such a manner and in such quantity to cause a violation of Section 9(a) of the Environmental Protection Act (Act); Rule 203(b) of the Air Pollution Regulations (Chapter 2); and Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution.

A hearing was held on November 21, 1975 at which time a Stipulation of Facts and Proposal for Settlement (Stipulation) was entered into the record. No additional evidence was adduced at the hearing.

Respondent's facility manufactures color pigments used in cement, mortar and industrial applications in a facility located in the Village of Maple Park, Illinois (1970 population 660) which is adjoined on three sides by single family dwellings with a grain and fertilizer storage facility on one side. The facility has been in the present location since 1940 (Stip. p. 1-2).

Following filing of the Complaint, Respondent voluntarily engaged an independent engineering firm at a cost of \$6,700.00 to conduct tests within the facility which identified the source of the odor problem as a low velocity gas stream from a chrome oxide furnace and recommended the installation of an induced draft fan to prevent a recurrence of violations due to odors. Particulate emissions have been reduced to non-objectionable levels, as verified by a testing series conducted on October 1, 2 and 3, 1975 following certain building and operational modifications within the facility which included building of totally enclosed loading, unloading and storage facilities at a cost of \$20,800.00 (Stip. p. 3-4).

The parties agree to payment of \$1000.00 for the violation of Section 9(a) of the Act. Respondent further agrees to install an induced draft fan on its chrome oxide furnace, to conduct future operations consistent with those of October 1, 2 and 3, 1975, to apply for necessary construction and operating permits and to the furnishing of reports and notices to the Complainant (Stip. p. 4-5). In this case the violation of Section 9(a) of the Act is admitted and the Stipulation of Facts and Proposal for Settlement complies with the requirements of our Procedural Rule 333 for settlement (EPA v. City of Marion, 1 PCB 591).

On the basis of the foregoing and the Stipulation of Facts and Proposal for Settlement, which constitute the entire record in this case, we find that Tamms did violate the Act as charged in the Complaint by causing or allowing the emission of odor and particulates into the atmosphere during the period alleged in such a manner as to cause air pollution within the meaning of Section 3(b) of the Act in violation of Section 9(a) of the Act. A penalty of \$1000.00 is assessed for the violation.

This Opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER


1. Respondent, Tamms Industries Company, is found to have operated its facilities in violation of Section 9(a) of the Environmental Protection Act and shall pay a penalty of \$1000.00 for such violation. Penalty payment by certified check or money order payable to the State of Illinois within 35 days of this Order to: Control Program Coordinator, Division of Air Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Tamms Industries Company, shall install an induced draft fan as agreed by the parties and Respondent shall apply for, to the Illinois Environmental Protection Agency, the necessary construction and operating permits within 45 days of this Order.

3. Respondent, Tamms Industries Company, shall comply with and do all things agreed in General Conditions VIII A through E of the Stipulation of Facts and Proposal for Settlement by and between Respondent, Tamms Industries Company, and Complainant, People of the State of Illinois, which is hereby incorporated into this Order by reference as if fully set forth herein.

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 8th day of January, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board