

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-143
)
 KEYSTONE STEEL & WIRE, a division)
 of Keystone Consolidated Industries,)
 Inc., a Delaware corporation,)
)
 Respondent.)

Mr. Marvin I. Medintz, Assistant Attorney General, appeared on behalf of the Complainant;
Mr. Gene A. Petersen, Davis, Morgan & Witherell, appeared on behalf of the Respondent.

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

On April 2, 1975 a Complaint was filed by the Environmental Protection Agency (Agency) alleging that Respondent, Keystone Steel & Wire, a division of Keystone Consolidated Industries, Inc., a Delaware corporation (Keystone), owned and operated a facility located at Main and Birmingham Streets, Chicago Heights, Cook County, Illinois from June 1, 1973 to April 2, 1975 without first obtaining the necessary operating permits from the Agency in violation of Rule 103(b)(2) of the Air Pollution Regulations (Chapter 2) and Section 9(b) of the Environmental Protection Act (Act).

Hearing was held on October 23, 1975 in Chicago, Illinois at which time a Stipulation and Proposal for Settlement (Stipulation), executed by counsel for both parties was entered into the record. No additional evidence was adduced at the hearing; no members of the public were in attendance.

Keystone's facility manufactures merchant bars and fence posts in Chicago Heights, Cook County, Illinois and employs 354 persons; in the course of manufacture of these items Keystone conducts a post painting operation which consists of dip tanks, drying oven, and a Blu-Surf rack burn-off unit. This painting operation consumes approximately 20,225 gallons of primer, 15,775 gallons of enamel, 10,000 gallons of varnish and 14,100 pounds of aluminum paste annually (Stip. p. 2).

The statement of facts contained in the Stipulation details a lengthy series of permit applications by Keystone and permit denials by the Agency beginning on September 28, 1972 and culminating with the issuance of an operating permit on June 11, 1975 for Keystone's paint dip tank, gas-fired oven and cooling tunnel, and on August 1, 1975 by issuance of a construction and an operating permit for Keystone's Blu-Surf rack burn-off unit (Stip. p. 2-5).

Keystone admits (Stip. p. 5) to violation of Rule 103(b)(2) of Chapter 2 from June 1, 1973 through August 5, 1973 and from January 1, 1974 through April 2, 1975 and the parties propose a payment of \$1000.00 for the violation (Stip. p. 6).

The Stipulation and Proposal for Settlement submitted by the parties is found adequate under Rule 333 of our Procedural Rules (EPA v. City of Marion, 1 PCB 591).

On the basis of the foregoing and the Stipulation and Proposal for Settlement, which constitutes the entire record in this matter, we find that Keystone did violate the Act and Regulations as charged in the Complaint by operating its post painting facilities from June 1, 1973 through August 5, 1973 and from January 1, 1974 through April 2, 1975 without having first obtained construction and operating permits from the Agency in violation of Rule 103(b)(2) of Chapter 2 and Section 9(b) of the Act. A penalty of \$1000.00 is assessed for these violations.

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

ORDER

1. Respondent, Keystone Steel & Wire, is found to have operated its facilities in violation of Section 9(b) of the Environmental Protection Act and Rule 103(b)(2) of the Air Pollution Regulations and shall pay a penalty of \$1000.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois within 30 days of this Order to: Control Program Coordinator, Division of Air Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

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