

ILLINOIS POLLUTION CONTROL BOARD

July 25, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 74-78
)
 V. J. DOLAN AND COMPANY, INC.,)
 an Illinois Corporation,)
)
 Respondent.)

Stephen Weiss, Assistant Attorney General for the EPA
Moses Levitan, Attorney for Respondent

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

The Environmental Protection Agency filed a Complaint alleging that Respondent V. J. Dolan and Company had operated its paint manufacturing plant subsequent to January 1, 1973 without operating permits required by Section 9(b) of the Environmental Protection Act and Rule 103(b)(2) of the Air Pollution Control Regulations. A public hearing was held on April 19, 1974. No members of the public attended and no testimony was taken. The parties submitted a Stipulation of Facts and requested the Board to determine whether a violation has been shown and to fashion an appropriate remedy for any violations.

The Stipulation reveals that Dolan operates a manufacturing facility in Chicago for the production of nitrocellulose wood finishing stains, lacquers, and synthetic metal finishing bake or air dry enamels. Equipment at the plant includes high-speed disc-type dispersion tanks, storage tanks, sandmills, mixers, small kettles and an oil-type electrode heat exchange system. This equipment is capable of emitting air contaminants to the atmosphere and is an "emission source" as defined by Rule 101 of Chapter 2, Part 1 of the Air Regulations. Respondent is classified in the "chemical and allied products industry" and therefore under the provisions of Rule 103(b)(2), was required to have operating permits for its equipment by January 1, 1973.

Dolan has submitted 28 applications for operating permits and 24 have now been granted. Respondent submitted only six of the permit applications in time to have secured the permits by the required date. The remaining 22 applications were not submitted until January 1974, approximately one year after the deadline for obtaining the permits. Four of the applications were rejected in January 1974 and Respondent made arrangements for resubmitting those applications in April.

On the basis of the stipulated facts the Board finds that Respondent is guilty of the charge that it failed to secure operating permits by the established deadline. No facts are shown in mitigation or in aggravation of penalty other than the filing dates of the applications for permit. We note that six of the applications were filed in a timely manner and that all applications were filed prior to the filing of the Complaint. No violations of emission standards have been alleged and no member of the public appeared to complain about Respondents operation. We consider this to be that type of case in which a monetary penalty of \$500 should be assessed.

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:

1. V. J. Dolan and Company, Inc. pay to the State of Illinois by August 30, 1974 the sum of \$500 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.
2. With regard to the four permit applications which had not been granted at the time the Stipulation was prepared, Respondent shall have until October 1, to secure permits. If permits are not secured by October 1 for the equipment involved in those applications, Respondent shall on that date cease and desist from operating said equipment without permits.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 25th day of July, 1974 by a vote of 5 to 0.

Christan L. Moffett