

ILLINOIS POLLUTION CONTROL BOARD
October 28, 1971

ENVIRONMENTAL PROTECTION AGENCY)
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 v.) # 71-101
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 BELOIT FOUNDRY CO.)

Alvin Liedling, Assistant Attorney General, for the Environmental
Protection Agency

Stanley Guyer for Beloit Foundry Co.

Opinion of the Board (by Mr. Currie):

The parties have stipulated to the facts relative to this Agency complaint. Beloit Foundry operates a grey iron cupola in South Beloit, presently equipped with a Schneibel Wet Collector. Relying on the manufacturer's guarantee, Beloit estimated particulate emissions at 24.8 pounds per hour, which, as it read the regulations, was in compliance with the limit of 25.10. These figures were reported to the Agency in a letter of intent filed as required, but no program for achieving compliance (Acerp) was filed because the company believed it was already complying.

In 1970 the company nevertheless employed a commercial testing company to perform a stack test, which revealed that the collector was only 50% efficient and that therefore emissions (180 lb/hr in the absence of any controls) were substantially in excess of those permitted. Moreover, the company in fact misread the regulations, so that even the emissions as calculated on the basis of the guarantee were slightly in excess of the 20.7 lb/hr actually permitted. Upon learning of the adverse stack test the company contracted for the installation of a baghouse and other equipment that should reduce emissions to the low level of 3.35 lb/hr. Completion is promised by March 20, 1972. We note with pleasure that among the equipment is an afterburner that should reduce carbon monoxide emissions even before the adoption of our proposed regulation on that subject.

That there has been a violation of the regulations with respect to the filing of a program and to the emission of particulates is clear. The question is one of remedy.

A shutdown of the plant is out of the question. The pollution is not that severe; the plant is relatively remotely situated and the neighbors do not object to allowing continued operation during

the installation. A shutdown would put 190 people out of work and cripple the company. The parties have agreed that we should allow operation while the company pursues its program, and we shall so order.

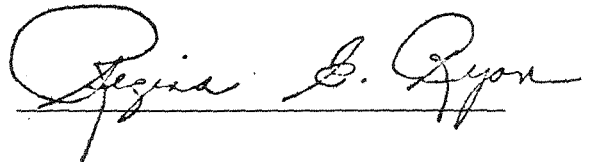
The remaining issue is money penalties. In light of the company's good faith reliance on the manufacturer's guarantee and of its commendable action in proceeding with a stack test and with plans to correct the deficiency, we think no such penalty is necessary.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. Beloit Foundry Co. shall cease and desist from particulate emissions in excess of those permitted by the Rules and Regulations Governing the Control of Air Pollution by no later than March 20, 1972.
2. Beloit Foundry Co. shall pursue with diligence the control program described in the record.
3. Within 35 days after receipt of this order, Beloit Foundry Co. shall post with the Agency a bond or other security in the amount of \$150,000 to assure compliance with the terms of this order.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 28 day of October, 1971.



Regina E. Ryan